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TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

ALASKA

CROSS REFERENCE: For order affecting the tabulation contained in § 501.1, see Public Land Order 520 in the Appendix to Chapter I of Title 43, *infra*. This order revokes Public Land Order 169 of September 21, 1943, reserving certain public lands in Alaska for the use of the War Department for military purposes.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt. 27-3]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

AIRCRAFT DISPATCHER AERONAUTICAL EXPERIENCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 3d day of September 1948.

Section 27.15 (f) of the Civil Air Regulations requires applicants for aircraft dispatcher certificates to have served in connection with the dispatching of air carrier aircraft under the supervision of a certificated dispatcher for at least 90 days within the 6 calendar months immediately preceding application. It does not appear that this requirement should be a prerequisite to the examination of an applicant, since prior to exercising the privileges of his certificate an aircraft dispatcher must comply with the recent experience requirements of § 27.23. Under the provisions of Part 27, in addition to required aeronautical experience, an applicant must demonstrate satisfactorily his compliance with the knowledge and skill requirements which are sufficiently stringent to assure that a successful applicant is fully competent to exercise the privileges of an aircraft dispatcher certificate.

Interested persons have been afforded an opportunity to participate in the mak-

ing of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 27 of the Civil Air Regulations (14 CFR, Part 27, as amended) effective September 3, 1948:

1. By amending § 27.15 (e) to read as follows:

§ 27.15 *Aeronautical experience.*

(e) Applicant shall be a graduate of an aircraft dispatcher course approved by the Administrator.

2. By rescinding § 27.15 (f).

(Secs. 205 (a) 601-610, 52 Stat. 934, 1007-1012; 49 U. S. C. 425 (a), 551-560)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8212; Filed, Sept. 13, 1948; 8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1107; 45 U. S. C. 362 (1)) §§ 345.1 and 345.2 of the regulations of the Railroad Retirement Board under such act (4 F. R. 4370, 12 F. R. 2327) are amended, by Board Order 48-288, dated August 18, 1948, to read as follows:

§ 345.1 *Statutory provisions.*

Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentage determined as set forth below of so much of the com-

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pensation as is not in excess of \$300 for any calendar month paid by him to any employee for services rendered to him after June 30, 1939: *Provided, however,* That if compensation is paid to any employee by more than one employer with respect to any such calendar month, the contributions required by this section shall apply to not more than \$300 of the aggregate compensation paid to said employee by all said employers with respect to such calendar month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services during any calendar month after 1946 bears to the total compensation paid by all such employers after December 31, 1946 to such employee for services rendered during such month; and

in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than \$300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional contribution as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

(1) With respect to compensation paid prior to January 1, 1948, the rate shall be 3 per centum;

(2) With respect to compensation paid after December 31, 1947, the rate shall be as follows:

If the balance to the credit of the railroad unemployment insurance account as of the close of business on September 30, of any year, as determined by the Board, is:	The rate with respect to compensation paid during the next succeeding calendar year shall be:
---	---

	Percent
\$450,000,000 or more-----	1/2
\$400,000,000 or more but less than \$450,000,000-----	1
\$350,000,000 or more but less than \$400,000,000-----	1 1/2
\$300,000,000 or more but less than \$350,000,000-----	2
\$250,000,000 or more but less than \$300,000,000-----	2 1/2
Less than \$250,000,000-----	3

As soon as practicable following the enactment of this act, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30, 1947, and on or before December 31 of 1948 and of each succeeding year, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30 of such year.

The contributions required by this act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this act as may be prescribed by regulations of the Board, and shall not be deducted, in whole or in part, from the compensation of employees in the employer's employ. If a contribution required by this act is not paid when due, there shall be added to the amount payable (except in the case of adjustments made in accordance with the provisions of this act) interest at the rate of 1 per centum per month or fraction of a month from the date the contribution became due until paid. Any interest collected pursuant to this section shall be credited to the account.

All provisions of law, including penalties, applicable with respect to any tax imposed by section 1800 or 2700 of the Internal Revenue Code, and the provisions of section 3661 of such code, insofar as applicable and, not inconsistent with the provisions of this act, shall be applicable with respect to the contributions required by this act: *Provided*, That all authority and functions conferred by or pursuant to such provisions upon any officer or employee of the United States, except the authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to such contributions, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor.

* * * For the purpose of determining * * * the amount of contributions due pursuant to this act, employment after June 30, 1940, in the service of a local lodge or division of a railway-labor-organization employer or as an employee representative shall be disregarded.

§ 345.2 Employers' contributions. (a) Except as provided in paragraph (b) of this section, every employer shall pay a contribution equal to the following percentages of the amount of compensation paid by such employer for employment on and after July 1, 1939, excluding, however, that part of the compensation which is in excess of \$300 and is paid by the employer to any employee with respect to employment during any one calendar month.

	Percent
(1) With respect to compensation paid from July 1, 1939, to Dec. 31, 1947-----	3
(2) With respect to compensation paid from Jan. 1, 1948, to Dec. 31, 1948-----	1/2
(3) With respect to compensation paid during each succeeding calendar year, the applicable percentage specified in § 345.1-----	—

(b) If compensation is paid by more than one employer to an employee with respect to employment during the same calendar month, and if the aggregate compensation paid to such employee by all employers is more than \$300 for the calendar month, then there shall be included in the measure of each such employer's contribution only that proportion of \$300 which the amount paid by him to the employee for the month bears to the aggregate compensation paid to such employee by all employers for that month: *Provided, however*,

(1) If such aggregate compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid to the employee by the employer other than a subordinate unit equals or exceeds \$300 for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of the employer other than a subordinate unit with respect to the compensation paid by him to such employee for that month shall be \$200.

(2) If such aggregate compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by the employers other than a subordinate unit equals or exceeds \$300 for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of each employer other than a subordinate unit shall be that proportion of \$300 which the compensation paid by such employer to the employee for the month bears to the total compensation paid to such employee by all such employers other than a subordinate unit for that month.

(3) If such aggregate compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate unit is less than \$300 for the month, then the meas-

ure of the contribution of each employer other than the subordinate unit shall be the full amount of compensation paid by him to such employee for that month, and the measure of the contribution of the subordinate unit of a national railway-labor-organization employer shall be \$300 less the total compensation paid to such employee for that month by all other employers.

(4) If such aggregate compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate units is less than \$300 for the month, then the measure of the contribution of each employer other than the subordinate units shall be the full amount of compensation paid by him to such employee for that month, and the measure of the contribution of each subordinate unit of the national railway-labor-organization employer shall be that proportion of \$300 less the total compensation paid to such employee for the month by all employers other than the subordinate units which the compensation paid by such subordinate unit to the employee for that month bears to the total compensation paid to such employee by all such subordinate units for that month.

(Sec. 12, 52 Stat. 1107; 45 U. S. C. 362 (1))

Dated: September 2, 1948.

By authority of the Board.

[SEAL]

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 48-8259; Filed, Sept. 13, 1948; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES CONSUMER STANDARDS FOR FRESH TOMATOES

Correction

In Federal Register Document 48-8132, appearing at page 5260 in the issue for Friday, September 10, 1948, the title after the signature should read "Assistant Administrator Production and Marketing Administration."

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 939—BEURRE D'ANJOY, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

ORDER TERMINATING THE ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement

Act of 1937, as amended (7 U. S. C. 601 et seq.) an order (8 F. R. 9733) was issued on July 14, 1943, suspending the provisions in §§ 939.4, 939.5, and 939.6 of Order No. 39 (7 CFR, Cum. Supp., 939.1 et seq.) regulating the handling of the Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington and California. Such action was taken on the basis that the aforesaid provisions did not at that time tend to effectuate the declared policy of the act.

On the basis of available information, it is hereby found and determined that the provisions in §§ 939.4, 939.5, and 939.6 of said Order No. 39 will, on and after September 16, 1948, tend to effectuate the declared policy of the act.

It is, therefore, ordered, That the order (8 F. R. 9733) suspending the provisions of §§ 939.4, 939.5, and 939.6 of said Order No. 39 is hereby terminated effective September 16, 1948.

It is hereby found and determined that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this termination order until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237· 5 U. S. C. 1001 et seq.) in that the shipping season for the pears covered by said Order No. 39 will commence in early September, and it is necessary that the aforesaid provisions be in effect at that time; the time intervening between the date when information upon which this termination order is based became available and the time when the aforesaid provisions must be in effect in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8235; Filed; Sept. 13, 1948;
8:53 a. m.]

[Pear Order 1]

PART 939—BEURRE D'ANJOU, BEURRE BOSCH, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

REGULATIONS BY GRADES AND SIZES

§ 939.301 Order No. 1—(a) Findings.

(1) Pursuant to the marketing agreement and Order No. 39 (7 CFR Cum. Supp. 939.1 et seq.) regulating the handling of the Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as

amended, and upon the basis of the recommendations and information submitted by the Control Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237· 5 U. S. C. 1946 ed. 1001 et seq.) in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective is insufficient, and a reasonable time is permitted under the circumstances, for preparation for such effective date.

(b) Order (1) It is hereby ordered that no shipper shall ship on and after the effective date hereof:

(i) Winter Nelis, Beurre Bosc, Beurre Easter, or Beurre Clairgeau pears which do not meet the requirements of U. S. No. 2 grade, as such grade is specified in the U. S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties, issued by the United States Department of Agriculture, effective July 8, 1940; or

(ii) Doyenne du Comice or Beurre d'Anjou pears which do not meet the requirements of the U. S. No. 2 grade, as such grade is specified in the aforesaid U. S. Standards: *Provided*, That such pears, if otherwise meeting the requirements of the U. S. Combination grade, as such grade is specified in the aforesaid U. S. Standards, may be shipped in interstate commerce only, and not in foreign commerce, if the unhealed broken skins or skin punctures on said pears measure not in excess of three-sixteenths of one inch in diameter and three-sixteenths of one inch in depth; or

(iii) Doyenne du Comice, Beurre Easter, or Beurre Clairgeau pears which are of a size smaller than the 180 size; or

(iv) Beurre d'Anjou or Beurre Bosc pears which are of a size smaller than the 195 size; or

(v) Winter Nelis pears which are of a size smaller than the 225 size.

(2) *Definitions.* As used in this section the terms "180 size," "195 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack 180, 195, or 225 pears, respectively, in a standard western pear box (inside dimensions, 18 inches long by 11½ inches wide by 8½ inches deep) when such pears are packed in accordance with the sizing and packing specifications of a standard pack as specified in said U. S. Standards.

(3) *Termination of Order No. 1 (1942)* It is further ordered pursuant to the aforesaid authority, that Order No. 1 (1942) dated August 25, 1942, issued pursuant to the provisions of said marketing agreement and order, be, and the same hereby is, terminated at 12:01 a. m., P. s. t., September 16, 1948.

(4) *Effective date.* It is further ordered pursuant to the aforesaid authority, that the provisions hereof shall become effective at 12:01 a. m., P. s. t., September 16, 1948. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of September 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 48-8242; Filed, Sept. 13, 1948;
9:04 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[T. D. 5653]

PART 400—EXCISE TAX ON EMPLOYERS UNDER TITLE IX OF THE SOCIAL SECURITY ACT

PART 401—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER TITLE VIII OF THE SOCIAL SECURITY ACT

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

MISCELLANEOUS AMENDMENTS

Regulations 106 and 107, Regulations 90 and 91, and such Regulations 90 and 91 as made applicable to the Internal Revenue Code, amended to insert therein the pertinent provisions of Public Law 642, 80th Congress, enacted June 14, 1948, relating to the employer-employee relationship.

On November 27, 1947, notice of proposed rule making, regarding amendments to the employment and social security tax regulations with respect to the employer-employee relationship, was published in the FEDERAL REGISTER (12 F. R. 7966) In view of the enactment of Public Law 642, 80th Congress, on June 14, 1948, the proposed amendments contained in the afore-mentioned notice of proposed rule making will not be adopted. The amendments set forth below are made in order to insert the pertinent provisions of sections 1 and 2 of Public Law 642, 80th Congress, in Regulations 106 (26 CFR Part 402), relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (Subchapter A, Chapter 9, Internal Revenue Code) in Regulations 107 (26 CFR Part 403) relating to the excise tax on employers under the Federal Unemployment Tax Act (Subchapter C, Chapter 9, Internal Revenue Code), in Regulations 90 (26 CFR Part 400) relating to the excise tax on employers under Title IX of the Social Security Act; in such Regulations 90 as made applicable to the Internal Revenue Code by Treasury Decision 4885 (26 CFR, Cum. Supp., p. 5876), in Regulations 91 (26 CFR Part 401), relating to the employees' tax and the employers' tax under Title VIII of the Social

Security Act; and in such Regulations 91 as made applicable to the Internal Revenue Code by such Treasury Decision 4885. Such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 402.201 of Regulations 106, the following is inserted:

SECTION 1 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

That (a) section 1426 (d) * * * of the Internal Revenue Code are amended by inserting before the period at the end of each the following: " but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules"

(b) The amendments made by subsection (a) shall have the same effect as if included in the Internal Revenue Code on February 10, 1939, the date of its enactment.

PAR. 2. Immediately preceding § 402.204 of Regulations 106, the following is inserted:

SECTION 1426 (d) OF THE ACT
EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules. (Sec. 1426 (d), I. R. C., as amended, effective Jan. 1, 1940, by sec. 606, Social Security Act Amendments of 1939, and as amended, effective Jan. 1, 1940, by sec. 1, P. L. 642, 80th Cong., enacted June 14, 1948.)

PAR. 3. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 403.201 of Regulations 107, the following is inserted:

SECTION 1 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

That (a) * * * section 1607 (1) of the Internal Revenue Code are amended by inserting before the period at the end of each the following: " but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules"

(b) The amendments made by subsection (a) shall have the same effect as if included in the Internal Revenue Code on February 10, 1939, the date of its enactment.

PAR. 4. Immediately preceding § 403.204 of Regulations 107, the following is inserted:

SECTION 1607 (1) OF THE ACT
EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such

common-law rules. (Sec. 1607 (1), I. R. C., as amended, effective Jan. 1, 1940, by sec. 614, Social Security Act Amendments of 1939, and as amended, effective Jan. 1, 1940, by sec. 1, P. L. 642, 80th Cong., enacted June 14, 1948.)

PAR. 5. Immediately preceding the caption "Section 907 of the act" as set forth preceding § 400.1 of Regulations 90, the following is inserted:

SECTION 2 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

(a) Section 1101 (a) (6) of the Social Security Act is amended by inserting before the period at the end thereof the following: " but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules"

(b) The amendment made by subsection (a) shall have the same effect as if included in the Social Security Act on August 14, 1935, the date of its enactment, * * *

PAR. 6. Immediately preceding § 400.205 of Regulations 90, the following is inserted:

SECTION 1101 (a) (6) OF THE ACT
EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules. (Sec. 1101 (a) (6), Social Security Act, as amended, effective Jan. 1, 1936, by sec. 2, P. L. 642, 80th Cong., enacted June 14, 1948.)

PAR. 7. Immediately preceding the caption "Section 907 of the act" as set forth preceding § 400.1 of Regulations 90 (26 CFR 400.1) only as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 1 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

That (a) * * * section 1607 (1) of the Internal Revenue Code are amended by inserting before the period at the end of each the following: " but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules"

(b) The amendments made by subsection (a) shall have the same effect as if included in the Internal Revenue Code on February 10, 1939, the date of its enactment.

PAR. 8. Immediately preceding § 400.205 of Regulations 90, only as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 1607 (h) OF THE FEDERAL UNEMPLOYMENT TAX ACT, AS ENACTED FEBRUARY 10, 1939

EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relation-

ship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules. (Sec. 1607 (h), I. R. C., effective during the calendar year 1939, as amended, effective Jan. 1, 1939, by sec. 1, P. L. 642, 80th Cong., enacted June 14, 1948.)

PAR. 9. Immediately preceding the caption "Section 811 of the act" as set forth preceding § 400.1 of Regulations 91, the following is inserted:

SECTION 2 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

(a) Section 1101 (a) (6) of the Social Security Act is amended by inserting before the period at the end thereof the following: " but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules"

(b) The amendment made by subsection (a) shall have the same effect as if included in the Social Security Act of August 14, 1935, the date of its enactment, * * *

PAR. 10. Immediately preceding § 401.3 of Regulations 91, the following is inserted:

SECTION 1101 (a) (6) OF THE ACT
EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules. Sec. 1101 (a) (6), Social Security Act, as amended, effective Jan. 1, 1937, by sec. 2, P. L. 642, 80th Cong., enacted June 14, 1948.)

PAR. 11. Immediately preceding the caption "Section 811 of the act" as set forth preceding § 401.1 of Regulations 91, only as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 1 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

That (a) section 1426 (d) * * * of the Internal Revenue Code are amended by inserting before the period at the end of each the following: " but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules."

(b) The amendments made by subsection (a) shall have the same effect as if included in the Internal Revenue Code on February 10, 1939, the date of its enactment.

PAR. 12. Immediately preceding § 401.3 of Regulations 91, only as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 1426 (c) OF THE INTERNAL REVENUE CODE, AS ENACTED FEBRUARY 10, 1939

EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relation-

ship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules. (Sec. 1426 (c), I. R. C., effective after March 31, 1939, and prior to Jan. 1, 1940, as amended, effective April 1, 1939, by sec. 1, P. L. 642, 80th Cong., enacted June 14, 1948)

Because this Treasury decision merely inserts the pertinent provisions of sections 1 and 2 of Public Law 642, 80th Congress, enacted June 14, 1948, in the appropriate places in the applicable regulations, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 178, 188, 467; secs. 808, 908, 49 Stat. 638, 643; secs. 1, 2 Pub. Law 642, 80th Cong., 26 U. S. C. 1429, 1609, 3791, 42 U. S. C. 1008, 1108.)

GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: September 7, 1948.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8211; Filed, Sept. 13, 1948;
8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 520]

ALASKA

REVOCATION OF PUBLIC LAND ORDER NO. 169 OF SEPTEMBER 21, 1943

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473) and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 169 of September 21, 1943, reserving the public lands within the following-described area in Alaska for the use of the War Department for military purposes, is hereby revoked:

Beginning at the point of intersection of latitude 59°34' north, and 139°30' west.

From the initial point—

South, along the meridian to latitude 59°25' N.,

West, along the parallel of latitude to the 5 fathom line of the Gulf of Alaska;

Northwesterly, with the 5 fathom line around Ocean Cape to longitude 139°50' W., near Point Carrew on Monti Bay;

North, along the meridian to latitude 59°38' N.,

East, along the parallel of latitude to longitude 139°44' W.,

South, along the meridian to latitude 59°34' N.,

East, along the parallel of latitude to the point of beginning.

The area described aggregates 62,260 acres, more or less.

The lands are subject to (1) Proclamation No. 846 of February 16, 1909 (35 Stat. 2226) enlarging the Tongass National Forest; (2) the withdrawal for lighthouse purposes made by Executive Order No. 3406 of February 13, 1921, so far as such order affects lands at Point Carrew, Item No. 102, and at Ocean Cape, Item No. 103; and (3) the withdrawal for naval purposes made by Executive Order No. 5214 of October 30, 1929, so far as that order affects any of the lands in the above-described area.

This order shall become effective at 10:00 a. m. on November 5, 1948.

WILLIAM E. WARNE,
Assistant Secretary of the Interior

SEPTEMBER 3, 1948.

[F. R. Doc. 48-8192; Filed, Sept. 13, 1948;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 903]

[Docket No. AO 10-A 12]

HANDLING OF MILK IN ST. LOUIS, MO., MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supp., 900.1 et seq.) notice is hereby given of a public hearing to be held in the Chase Hotel, at St. Louis, Missouri, beginning at 10:30 a. m., c. d. t., on September 20, 1948, for the purpose of receiving evidence with respect to the proposed amendments, hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, milk marketing area. The proposals to define various types of plants, to revise the classification of milk transferred between various plants, and to adopt a market-wide pool in lieu of an individual-handler pool raise the question as to whether an adjustment should be made in the location differentials to handlers and producers. Similarly, the proposals to revise the definition of Class

I milk by including skim milk, butter-milk, and flavored milk drinks; to revise the method of allocating receipts of milk, skim milk, and cream from sources other than producers and handlers in the classification of producer milk; and to provide a butterfat differential to handlers raise the question whether the adoption of any of said proposals would necessitate a change in the method of accounting and pricing of skim milk and butterfat. Evidence with respect to these questions will also be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By Sanitary Milk Producers:

1. Delete the provisions of § 903.1 (b) and substitute therefor the following:

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

2. Delete the provisions of § 903.1 (e) and substitute therefor the following:

(e) "Producer" means any person, except a producer-handler, who produces, under a dairy farm permit or rating issued by the proper health authorities in the "marketing area" for production of Grade A or Grade B raw milk, milk which is received at a city plant or at a country plant. As used herein, such

"dairy farm permit or rating" means one issued by any of the health authorities duly authorized to administer regulations governing the quality of milk disposed of in the area.

3. Delete the provisions of § 903.1 (f) and substitute therefor the following:

(f) "Handler" means any person who, on his own behalf or on behalf of others, receives milk from producers, associations of producers or other handlers at a city plant, or at a country plant.

By the Dairy Branch, Production and Marketing Administration:

4. Delete the provisions of § 903.1 (h) and substitute therefor the following:

(h) "Delivery period" means a calendar month, or the portion thereof during which this order is in effect.

By the Sanitary Milk Producers:

5. Add as § 903.1 (j) the following:

(j) "City plant" means a milk plant, operated by a person, from which packaged fluid milk is disposed of in the marketing area.

6. Add as § 903.1 (k) the following:

(k) "Country plant" means a milk plant, operated by a person from which milk of producers eligible for distribution as packaged fluid milk in the marketing area, is disposed of to a city plant.

7. Add as § 903.1 (l) the following:

(l) "Producer-handler" means any person who produces milk and operates a

city plant but who receives no milk from producers.

By handlers:

8. Amend the order by adding the following:

Pool plant. Subject to the conditions set forth in this section, a pool plant means any of the following plants except a bottling plant operated by a producer-handler.

(1) A bottling plant located inside the marketing area which distributes within the marketing area not less than 40 percent of its total producer receipts as Class I milk during the delivery periods of April, May, and June, and not less than 50 percent during all other delivery periods.

(2) A bottling plant located outside the marketing area which operates a route or routes wholly or partially within the marketing area and disposes within the marketing area of not less than 40 percent of its total producer receipts as Class I milk during the delivery periods of April, May, and June, and not less than 50 percent during all other delivery periods.

(3) A plant located outside the marketing area and operating no routes wholly or partially within the marketing area but having approval of the appropriate health authority in the marketing area to supply milk to a pool plant described in subparagraphs (1) or (2) of this paragraph: *Provided, however* That such plant shall supply to pool plants described in subparagraphs (1) or (2) of this paragraph not less than 60 percent of its total producer receipts during any of the delivery periods of August through November. If such plant fails to supply a volume of milk equal to or exceeding 60 percent of its total producer receipts within any one of the delivery periods of August through November, then such plant shall not participate in the pool prior to August 1 of the following year. The name and location of plants meeting the requirements of this subparagraph shall be listed by the market administrator and publicly announced by him for each delivery period not later than the 14th day after the end of such delivery period by posting in a conspicuous place in his office.

Nonpool plant. A nonpool plant means any plant that receives milk from producers and is not a pool plant.

By the Dairy Branch, Production and Marketing Administration:

9. Amend § 901.1 by adding a new paragraph to read as follows:

"Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by executive order to perform the price reporting functions of the United States Department of Agriculture.

10. Amend § 903.1 by adding a new paragraph to read as follows:

"Other source milk" means all milk, skim milk, cream, and milk products received from a producer-handler or from a source other than producers or other handlers, except any nonfluid milk prod-

uct which is received and disposed of in the same form.

11. Delete the provisions of § 903.2 (c) and substitute therefor the following:

(c) **Powers.** The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

12. Amend § 903.2 (d) by adding a new subparagraph to read as follows:

(8) Verify all reports and payments required to be made by handlers pursuant to the provisions of this order.

By handlers:

13. Open § 903.3, *Classification of milk*, and § 903.4, *Minimum prices*, for consideration and the receipt of evidence pertaining to the entire problem of classification and pricing of milk.

By the Sanitary Milk Producers:

14. Amend § 903.3, *Classification of milk*, so that skim milk, flavored drinks, and buttermilk, now in Class II, will be placed in Class I.

By handlers:

15. Amend § 903.3 (b) (2) by striking all of said subparagraph and inserting in lieu thereof the following:

(2) Class II milk shall be all milk, the skim milk and butterfat of which is established (i) as having been used or disposed of in any form other than as milk and (ii) as actual plant shrinkage but not to exceed 3 percent of the receipts of milk, skim milk, and cream from all sources.

By the Sanitary Milk Producers:

16. Delete the provisions of § 903.3 (b) (2) (ii) and substitute therefor the following:

(ii) In actual plant shrinkage of producer milk computed pursuant to paragraph (f) of this section, but not in excess of 2 percent thereof, and in actual plant shrinkage of all other milk computed pursuant to paragraph (f) of this section.

17. Add to § 903.3 a new paragraph to read as follows:

(f) **Shrinkage.** The market administrator shall determine the shrinkage in producer milk and in all other milk, skim milk, and cream in the following manner:

(1) Computed the total shrinkage for each handler, and

(2) Prorate the total shrinkage computed pursuant to subparagraph (1) of this paragraph between producer milk and all other milk received by the handler after deducting receipts from the other city plants.

By handlers:

18. Amend § 903.3 (c) (2) by striking out the following sentence of the proviso: "that all milk or skim milk moved in fluid form to plants more than 110 air-line miles from the city hall in St. Louis shall be Class I milk."

By the Sanitary Milk Producers:

19. Amend § 903.3 (c) by adding the following subparagraphs:

(3) Milk or skim milk transferred from a city plant or a country plant to the city plant of a producer-handler shall be Class I milk and cream so transferred shall be Class II milk.

(4) Milk, skim milk, or cream received at a city plant or a country plant from a producer-handler shall be considered as other source milk for classification purposes.

(5) Milk of producers, skim milk, or cream from milk of producers transferred from a country plant to a city plant shall be prorated among the classes in the same manner as though such milk, skim milk, or cream was received from producers.

By handlers:

20. Amend § 903.3 (d) by striking all of said paragraph and inserting in lieu thereof the following:

(d) **Classification of excess milk or butterfat.** In the event that a handler, after subtracting receipts from other handlers and receipts from sources determined as other than producers or handlers, has disposed of milk, or butterfat, in excess of the milk, or butterfat, which, on the basis of his reports, has been credited to his producers as having been received from them, such milk, or the milk equivalent of such butterfat, shall be prorated to producer milk and receipts from sources other than producers or handlers in the same relation that each is to the total receipts.

21. Amend § 903.3 (e) by striking out subparagraphs (2), (3) (4) and (5) and adding the following:

(2) Subtract from the remaining pounds of Class I milk the pounds of ungraded milk received from sources other than producers or handlers which was disposed of as fluid milk.

(3) Milk approved by the proper health authorities for consumption as milk in the marketing area which has been received from a person who is a handler as defined under another Federal Marketing Order shall be deducted from each class in the same proportion that each handler's Class I and Class II sales are to his total sales of ordinance products.

By the Sanitary Milk Producers:

22. Delete § 903.3 (e) (3) and § 903.3 (e) (5).

By the Dairy Branch, Production and Marketing Administration:

23. Amend § 903.3 by adding a new paragraph to read as follows:

Responsibility of handlers and reclassification of milk. (1) All milk, skim milk, and cream shall be classified as Class I milk unless the handler who first receives such milk, skim milk, or cream proves to the market administrator that such milk, skim milk, or cream should be classified otherwise.

(2) Any milk, skim milk, or cream classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

By the Sanitary Milk Producers:

24. Delete the provisions of § 903.4 (a) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundredweight: \$1.35 for the delivery periods of July through December; \$1.10 for the delivery periods of January through March; and \$0.90 for the delivery periods of April through June: *Provided*, That if during the 12 months immediately preceding the delivery period the total amount of milk delivered by producers is less than 130 percent of the total Class I milk reported by all handlers as determined by the market administrator, an additional 46 cents per hundredweight shall be added to the Class I price for the months of July through December, and 23 cents for the months of January through March.

25. Amend § 903.4 (a) (2) by adding the following: *Provided further* That if during the 12 months immediately preceding the delivery period the total amount of milk delivered by producers is less than 130 percent of total Class I milk reported by all the handlers as determined by the market administrator an additional 46 cents per hundredweight on ordinance products shall be added to the Class II price for the months of July through December and 23 cents per hundredweight for the months of January through March.

26. Amend § 903.4 by adding a new paragraph (c)

(c) *Butterfat differential to handlers.* If any handler has received milk from producers during the delivery period containing more or less than 3.5 percent of butterfat such handlers shall add or deduct, per hundredweight of milk, for each one-tenth of one percent of butterfat above or below 3.5 percent, an amount computed as follows: Multiply by 1.4 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

By handlers:

27. Amend § 903.4 (a) (1) and (2) by striking all of said paragraphs and substituting in lieu thereof the following:

(1) *Class I milk:* The price for Class I milk shall be the price computed under subparagraph (3) of this paragraph plus the following amount per hundredweight: \$1.35 for the delivery periods of August through November; \$1.10 for the delivery periods of July and December through March; and \$0.90 for the delivery periods of April through June.

(2) *Class II milk:* The price for Class II milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundredweight: 55 cents for the delivery periods of August through November; 35 cents for the delivery periods of April through June: *Provided*, That during any delivery period the price of milk used by such handler for evaporated milk in hermetically sealed containers are disposed of

by such handler to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, shall be the average of the basic, or field, prices per hundredweight determined for the plants listed in subparagraph (3) of this paragraph.

28. Amend § 903.4 (a) (3) by striking all of said paragraph before the listing of plants and substituting in lieu thereof the following:

(3) *Basic formula price.* The basic formula price to be used in determining the price for Class I and Class II milk pursuant to subparagraphs (1) and (2) of this paragraph shall be the price resulting from the following computation by the market administrator: Determine the arithmetic average of the available basic, or field, prices per hundredweight reported to the United States Department of Agriculture (or to such other Federal agency as may hereinafter be authorized to perform this function) as paid immediately preceding delivery period for milk of 3.5 percent butterfat content to all farmers at the pool plants or places.

By the Dairy Branch, Production and Marketing Administration:

29. Delete § 903.5 (b) and substitute therefor the following:

(b) *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to: (1) Verify the receipts and utilization of all milk and milk products and, in case of errors or omissions, ascertain the correct figures; (2) weigh, sample, and test for butterfat content all milk and milk products handled; (3) verify payments to producers; and (4) make such examinations of operations, equipment, and facilities, as the market administrator deems necessary.

By the Sanitary Milk Producers:

30. Add to § 903.6 a new paragraph to read as follows:

(b) *Interest on overdue accounts.* Any unpaid obligations of a handler or of the market administrator, pursuant to §§ 903.8, 903.9, or 903.10, shall bear interest at the rate of one-half of 1 percent per month, such interest to accrue on the first day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until paid.

By handlers:

31. Amend the order to provide for a market-wide pool by deleting § 903.7 and substituting therefor the following:

§ 903.7 *Determination of uniform price—*(a) *Computation of value for each handler* For each delivery period, the market administrator shall compute the value of milk of producers received by each handler by multiplying the pounds in each class by the applicable class price, adding together the resulting class values, and adding to such sum the value

of any excess milk or butterfat classified pursuant to § 903.3 (d) and deducting the amount of the adjustment to be made pursuant to § 903.8 (g)

(b) *Commutation of the uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(1) Combine into one total the values, computed pursuant to paragraph (a) of this section for all pool plant handlers who made reports prescribed by § 903.5 for such delivery period.

(2) Add the aggregate of the value of all allowable location adjustments computed at the applicable rates set forth in § 903.4 (b)

(3) Add an amount representing the cash balance in the producer-settlement fund.

(4) Divide the resulting amount by the total hundredweight of milk received from producers included in these computations; and

(5) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers.

32. Delete § 903.8 (a) and substitute therefor the following:

§ 903.8 *Payment for milk—*(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer, for the total value of milk received from such producer during such delivery period of not less than the uniform price per hundredweight subject to the following adjustment, (1) the producer butterfat differential and location adjustment, (2) marketing service deductions, (3) deductions authorized by the producer, and (4) any error in calculating payments to such producer for the past delivery periods.

(b) *The producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by the handlers pursuant to paragraphs (c) and (e) of this section, and out of which he shall make all payments pursuant to paragraphs (d) and (e) of this section: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

(c) *Payments to the producer-settlement fund.* On or before the 11th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the value of his milk, computed pursuant to § 903.7 (a) for such delivery period is greater than the amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price.

(d) *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each delivery period, the market administrator shall pay to each handler (except those in default of payments required pursuant to § 903.8 (c), for the preceding delivery periods), for payment to producers, any amount by which the total value of his milk,

computed pursuant to § 903.7 (a) for such delivery period is less than the amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(e) *Adjustments of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (d) of this section, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

33. Renumber § 903.3 (b) and (c) to (f) and (g) respectively, and delete paragraph (d) and renumber paragraph (e) to (h)

By the Dairy Branch, Production and Marketing Administration:

34. Delete the provisions of § 903.9 and substitute therefor the following:

§ 903.9 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 2½ cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during such delivery period, of (a) milk from producers (including such handler's own production) and (b) other source milk, received at a fluid milk plant.

35. Delete the provisions of § 903.10 (a) and substitute therefor the following:

(a) *Deduction for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 903.3 (a) shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the delivery period and shall pay such deductions to the market administrator on or before the 15th day after the end of the delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to

provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

36. Add a new section to read as follows:

§ 903.16 *Separability of provisions.* If any provisions hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

37. Redraft such sections, or portions thereof, necessary to effectuate any proposals which are adopted as a result of this hearing.

By handlers:

38. Make such other changes as may be required to make the order, as amended, conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis, Missouri, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: September 9, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-8193; Filed, Sept. 13, 1948; 8:47 a. m.]

[7 CFR, Part 903]

HANDLING OF MILK IN ST. LOUIS, MO., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supps., 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the 5th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, to consider a proposed amendment to the order, as amended, and to the tentative marketing agreement, was held at St. Louis, Missouri, on July 7-9, 1948, following receipt of a proposal filed by the Sanitary Milk Producers, St. Louis, Missouri. The notice of hearing was issued on June 18, 1948 (13 F. R. 3293, 3485).

The material issue presented on the record of the hearing was whether the Class I price differential over the basic formula price should be revised immediately.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Sanitary Milk Producers, Square Deal Producers Association of Illinois, Co-Operative Milk Producers of Missouri, and the handlers who would be subject to the proposed marketing agreement and the order amending the order, as amended. The briefs contained statements in the nature of suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions set forth herein. To the extent that any suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Findings and conclusions. The proposal to effect an immediate amendment to the order, as amended, to provide for an increase of 46 cents in the Class I price differential for the delivery periods of July through December and 23 cents for the delivery periods of January through March, if during the 12 months immediately preceding the delivery period the total volume of milk delivered by all producers was less than 130 percent of the total Class I sales by all handlers, should not be adopted at this time.

In support of such proposal producers stated that producer receipts of 130 percent of Class I sales were necessary to supply market requirements of fluid milk, fluid cream, skim milk, buttermilk, flavored milk, and flavored milk drinks. The definition of Class I milk includes only fluid milk, and milk not accounted for as Class II milk. Fluid cream, skim milk, buttermilk, flavored milk, and flavored milk drinks are classified as Class II milk along with manufactured products which are not required to be made from Grade A milk. The record does not show sufficient justification for the adoption of such a proposal without a review of the related classification provisions of the order.

Proposals were also made at the hearing to revise the Class I price differential over the basic price. It is concluded that such differential would be affected by the definition of Class I milk (which it is proposed shall be considered at the forthcoming hearing) and hence no action on these proposals may appropriately be taken at this time.

Evidence with respect to the classification provisions was not considered at the hearing of July 7-9, 1948. However, a request has been received for a public hearing to consider such provisions in connection with a review of the same price proposal which was considered at the hearing of July 7-9, 1948. A notice setting the date for such public hearing is being issued simultaneously herewith.

This decision filed at Washington, D. C., this 9th day of September 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator

[F. R. Doc. 48-8199; Filed, Sept. 13, 1948;
8:47 a. m.]

17 CFR, Part 9661

[Docket No. AO164-A1]

HANDLING OF ORANGES GROWN IN CALIFORNIA OR ARIZONA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEP- TIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER AND TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737-12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to Order No. 66 (7 CFR, Cum. Supp. 966.2 et seq.) hereinafter referred to as the "order" and to the tentatively approved marketing agreement, hereinafter referred to as the "marketing agreement", regulating the handling of oranges grown in the State of California or in the State of Arizona, to be made effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) Interested parties may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., not later than the close of business on the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Production and Marketing Administration as a result of proposed amendments received from various individuals, and groups of growers and handlers of oranges grown in the States of California and Arizona. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that a public hearing would be held at Los Angeles, California, on April 6, 1948, and at Phoenix, Arizona, on April 19, 1948, to consider the proposed amendments was published in the FEDERAL REGISTER (13

F. R. 1320, 1611) The hearing was held at Los Angeles, California, on April 6-9, 1948, and April 12-15, 1948, and at Phoenix, Arizona, on April 19, 1948.

Material issues. Material issues presented on the record of the hearing pertain to amending the marketing agreement and order as follows:

(1) Delete the provisions thereof permitting regulation of the handling of oranges grown in the State of Arizona;

(2) Provide therein that allotment be issued only to handlers owning or controlling mature oranges;

(3) Delete the provisions thereof relevant to prorate districts;

(4) Delete the provisions thereof relevant to the allotment pool or modify the provisions thereof to establish therein definite mechanics whereby allotments may be equitably allocated to facilitate the handling of early maturity and short life oranges;

(5) Provide therein that the Orange Administrative Committee be increased to 11 members by the addition of 4 handler members and that grower committee representation be by districts insofar as practicable;

(6) Provide therein for regulation based on the sizes of oranges;

(7) Define therein "exports" and "diversion";

(8) Provide therein for the regulation of the handling of oranges which handling directly burdens, obstructs, or affects the handling of oranges in interstate or foreign commerce;

(9) Provide therein for the mandatory appointment of a marketing economist by the Orange Administrative Committee;

(10) Provide therein for the establishment and operation of a surplus diversion program;

(11) Provide therein adequate specifications relevant to the handling of oranges which are not subject to regulation under the program;

(12) Provide therein an adequate specification of the contents of reports to be filed by each handler with the Orange Administrative Committee;

(13) Provide therein a new method for adjusting prorate bases in accordance with changes of control of oranges.

Findings and conclusions. The findings and conclusions on the aforesaid material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) Oranges grown in the State of Arizona compete in the market with those grown in the State of California. Oranges grown in both states are packed, in general, under the same grade and size specifications and in the same types of containers. The varieties of oranges grown in both states are identical. Most of the oranges grown in the State of Arizona are marketed by the same marketing organizations marketing the oranges grown in the State of California. Prices received by growers for Arizona oranges during the past three years under the operation of the order have been slightly higher than prices received by growers of California oranges. Oranges grown in some areas of California are marketed under conditions

very similar to conditions under which oranges grown in Arizona are marketed. Eastern markets do not differentiate between Arizona oranges and California oranges. Rail freight rates to eastern markets are the same for oranges grown in California and Arizona.

Production of oranges in Arizona would be greatly accelerated if the handling of oranges grown in that State were not regulated, inasmuch as producers therein would share in the benefits of regulation of shipments of oranges grown in California without assuming any of the burden of such regulation. It would be unfair to California growers and handlers of oranges to exclude Arizona orange shipments from the burden of regulation because growers and handlers in both States receive substantially identical benefits from such regulation. Regulation for oranges grown in both States should be recommended by the same administrative committee to integrate and coordinate regulation under the marketing agreement and order to afford growers and handlers therein the maximum benefit from regulation. The present marketing agreement and order program is concerned with problems which arise in every area producing oranges in both States and should, therefore, continue to cover all of such areas within these States.

On the basis of the foregoing findings and reasons it is hereby found and concluded that the marketing agreement and order regulating the handling of oranges grown in the State of California or in the State of Arizona should continue to regulate the handling of oranges grown in both of said States.

(2) Oranges must be mature to afford consumer satisfaction and to be shipped under statutes of the States of California and Arizona. Undue delay in affording handlers an opportunity to market mature oranges or oranges of short life results in the deterioration of such fruit and in financial losses.

Mature oranges and oranges of short life should be afforded an opportunity to be shipped to market during the normal marketing season of such oranges (subject to the ability of the market to absorb such oranges at prices declared in the act to be the policy of Congress to establish) regardless of the location of production of such oranges in the States of California and Arizona. Handlers of such oranges in California and Arizona should be afforded an opportunity under the marketing agreement and order to proportionately share marketing opportunities for such oranges, through proportionate allocation of allotment, so that each handler is permitted to ship that percentage of each variety of such oranges to market, during the normal life thereof, as will equal, insofar as may be practicable, the average percentage of such varieties to be shipped by all handlers of such varieties grown in said states, subject to restriction of such marketing opportunities for all oranges produced in such states to such volume of shipment as will result in obtaining prices therefor declared in the act to be the policy of Congress to establish.

Oranges of any one variety in any one geographical section in the States of

California and Arizona do not necessarily attain maturity on the same date as other oranges of the same variety in the same geographical section. Scientific tests can definitely determine, under substantially identical statutes in California and Arizona, when oranges are mature. While a particular orange grove, or part thereof, in any part of such states does not necessarily mature on the same date in successive years, such grove, or part thereof, will mature at approximately the same relative time each year in relation to other groves of the same variety in the same geographical section, thereby supplying maturity patterns which will minimize administrative difficulties in the operation of regulations on such basis.

Oranges of any one variety grown in any one geographical section in the States of California and Arizona do not maintain their merchantable qualities for identical periods of time. The period for the maintenance of such qualities can be determined in a manner similar to that followed in establishing patterns of maturity. Once short life orange patterns are determined for such states, administrative difficulties involved in affording the handlers of such oranges a proportionate opportunity to market such oranges during the normal life thereof, subject to the same price limitation referred to in connection with maturity considerations, will be minimized.

Affording handlers an opportunity to market mature oranges wherever grown in California and Arizona when they attain maturity and during the normal marketing life thereof, subject to such proportionate limitation as will permit, insofar as possible, the total volume of all oranges grown in such states and marketed during such period to bring price returns declared in the act to be the policy of Congress to establish, will, to the maximum extent, eliminate inequities alleged to occur under the marketing agreement and order by virtue of issuing allotments on district bases and, therefore, such districts should be retained because they constitute an invaluable aid to the orderly administration of the marketing agreement and order.

The burden of showing maturity or short life conditions to the committee in connection with applications for the allocation of allotments should, however, remain on such applicants because they are familiar with the conditions of oranges owned or controlled by them, which should deter unsustainable applications, and a shift of such burden to the committee would result in the receipt of excessive applications for the allocation of such allotments in an attempt to acquire an inequitable share of the market, either presently or prospectively, where the oranges covered by such applications could not conceivably qualify for allotment on the basis of maturity or short life.

The administrative committee should not be required to allocate allotment to an applicant showing that he owns or controls one or a few boxes of mature oranges because the administrative details involved therein would be so extensive and expensive as to tend to defeat

the purposes of the act. Although the committee should be required to consider maturity and short life factors at all times in connection with recommendations for volume regulations and with the allocation of allotments, minimum volume of mature or short life oranges requiring recommendations for volume regulations and allocation of an allotment in connection with any particular application for such allotment should not be specified for the same reason. Such determination of minimum quantities should be made on a uniform basis by the committee consistent with factual situations in all orange-producing sections of the States of California and Arizona.

The total tree crop of oranges in the States of California and Arizona is the potential supply of oranges to be marketed from such states. Therefore, the prorate base of each handler should continue to be computed on the basis of his ownership or control of a portion of such crop in relation to such total crop. Accordingly, the definition of oranges available for current shipment should not be changed. Allocation of authority to ship such owned or controlled oranges, however, should be given, insofar as possible, when such oranges are mature and at a rate and to the extent that each handler will be afforded an opportunity to obtain his fair share of the market during the normal life of such oranges as hereinbefore indicated. All oranges do not fall in the category of short life or early maturity oranges. Therefore, while all handlers in the States of California and Arizona must proportionately share the market for all oranges, subject to such limitation on total and individual shipments required to obtain prices therefor at the level established in the act as the policy of Congress therefor, individual handlers owning or controlling short life or mature oranges should be afforded an opportunity to ship such oranges when they mature and during the normal life thereof. If all handlers participated in shipping their owned or controlled oranges to market on a proportionate basis during the average life of such oranges, handlers owning or controlling early maturity or short life oranges would be deprived of a portion of their fair share of such market during the period of such average life.

Therefore, it is necessary to provide that the administrative committee be permitted, when circumstances warrant, to allocate allotments to such owners or controllers of early maturity or short life oranges at an earlier time or in addition to their normal weekly allotments, respectively. This does not mean that the recipients of such earlier or additional allotments receive an opportunity to market more than their fair share of oranges on a proportionate basis. It merely means, and the amendment provisions hereinafter set forth so provide, that such recipients shall receive, insofar as is practicable, allotments at the time their owned or controlled oranges are mature, permitting them to ship such oranges, to the extent of the proportionate average to be shipped by all of the handlers of the variety involved, during the normal life of such oranges. Under

such provisions, no handler will receive an opportunity to market more than his fair share of oranges because allotments permitting shipments for such purpose will not be allocated to him after he has received sufficient allotment to ship the aforesaid proportionate average to be shipped by all handlers. After sufficient allotment has been allocated to a handler in connection with his early maturity or short life oranges of one or more varieties to permit him to ship the aforesaid proportionate average, remaining allotment otherwise issuable to him in connection with such oranges by virtue of his prorate base shall be allocated to the handlers owning or controlling oranges from whom allotment was withheld. Such provisions will not be detrimental to owners or controllers of normal maturity and life oranges because they will continue to receive allotment which should permit them to ship to market the proportionate average to be shipped by all handlers of such oranges. Such provisions should not be mandatory upon the committee because the quantity of early maturity or short life oranges in any particular area and in any particular season may be so insignificant as to be inconsequential. Such provisions should not set an arbitrary percentage ceiling on the oranges of short life or early maturity which may receive allotments thereunder because of the wide variety of circumstances which can occur from season to season and which affect short life and early maturity conditions. The only fair criterion is to allocate sufficient allotment to permit handlers of early maturity and short life oranges to ship the proportionate average of all handlers of oranges of each variety thereof.

Therefore, on the basis of the foregoing findings and reasons, it is concluded that the provisions of the marketing agreement and order relevant to the definition of oranges available for current shipments (an integral element in determining the prorate base) and prorate districts should not be amended; that the provisions of the marketing agreement and order should be amended, as hereinafter set forth, to require that the administrative committee consider maturity condition factors in making recommendations for regulations thereunder and for allocating allotment under such regulations; and that the provisions of the "Allotment Pool" should be changed to facilitate allocation of allotment in accordance with the foregoing.

(3) The committee charged with the responsibility of administering the marketing agreement and order is now composed entirely of growers of oranges produced in the States of California and Arizona, except for one member who is prohibited from being a grower, handler, or employee, agent or representative of a grower or handler (other than a charitable or educational institution which is a grower or handler). To acquire marketing information necessary for committee recommendations for regulations, the committee has obtained the views of handlers of oranges grown in such States on an informal basis. This procedure has been extremely helpful to the com-

mittee in arriving at sound recommendations for regulations of the handling of oranges grown in such States; but, in some instances, such informal information has not received appropriate emphasis in the deliberations of the committee because the handlers supplying such information were not permitted to vote on committee recommendations. The quality of information submitted to the committee by handlers will be improved, in many instances, if such handlers are required to assume responsibility as members of the committee in connection with committee recommendations for regulations based in part thereon. Handler members of the committee would not have sectional views on desirable regulations because, in most instances, handlers market oranges grown in several or all parts of the States of California and Arizona. Conversely, growers may have such sectional views as to desirable regulations and, therefore, grower representation on the committee should be, insofar as practicable, on a geographical basis to permit important subdivisions of the orange-growing sections of the States of California and Arizona to be represented on such committee. Committee representation by growers on such geographical basis will result in grower representation which will, to a large extent, tend to equalize possible sectional views of one or more grower representatives.

A committee of eleven members will be sufficiently small in number to permit it to operate in a practical and expeditious manner in administering the terms and provisions of the marketing agreement and order. At the same time, a committee of such size will be sufficiently large to permit all orange-growing sections of the States of California and Arizona to be represented thereon. Six members of the committee should continue to be growers of oranges produced in the States of California and Arizona to supply grower representation, insofar as practicable, to all segments of the said States. Such members should continue to be nominated and selected for membership on the committee as presently provided in the marketing agreement and order. Grower representation on the committee should exceed all other representation thereon because the regulatory program is designed and authorized for the benefit of growers; and grower views as to desirable regulations tending to effectuate the declared policy of the act when leavened by handler views relevant to the marketing of oranges grown in said States, should result in fair and appropriate recommendations and regulations for such purpose. Four members of the committee should be handlers because such number is deemed necessary to supply the committee with effective handler views as to the marketing situation for oranges grown in all portions of the States of California and Arizona. While independent handlers may not have exactly the same marketing views as to desirable regulations under the marketing agreement and order as the views of cooperative handlers, the legitimate divergence between such views will receive due representation and weight in com-

mittee deliberations on the representative basis hereinafter set forth. Cooperative handlers market more than three fourths of the oranges grown in the States of California and Arizona, so that cooperative handlers or representatives thereof should predominate in handler representation on the committee. On the basis of the percentage of the crop handled, there should be three cooperative handler representatives on said committee and one independent handler representative.

The eleventh member of the committee should be an impartial member thereof and accordingly, should not be a handler, a grower, or a representative of either. Such impartiality will tend to be attained if such impartial member is nominated by grower and handler members.

Alternate members with the same qualifications as members, as hereinbefore set forth, should be selected for each member to permit the committee to operate at all times with a full representative complement. Therefore, as such alternate members may and frequently do participate in committee activities in the place and stead of the members under appropriate circumstances, such alternate members should be nominated and selected on the same basis as such members. As the Secretary is responsible under the act for the administration of the marketing agreement and order, the Secretary should have authority to finally select committee members and alternates from nominations submitted as aforesaid. To provide the Secretary with some latitude for independent judgment in selecting committee members and alternates who, in his judgment, are the most competent individuals available for service on the committee, not less than two nominees should be named for each position to be filled on the committee.

The present provisions of the marketing agreement and order require that a majority of the committee shall constitute a quorum and that any action of the committee shall require four concurring votes. To maintain relatively equal requirements in connection with a committee of eleven members, the provisions of the marketing agreement and order should be amended to provide that six members of the committee shall constitute a quorum and to provide that any action of the committee shall require six concurring votes. Experience with the operation of the marketing agreement and order with the aforesaid quorum and concurring vote requirements has demonstrated that such requirements are fair and equitable and that recommendations for regulations made on the basis of a concurring majority vote of the members of the committee are thereby based on a sound representative opinion of experts. There is no reason to anticipate that a proportionate change in the quorum requirements or concurring vote requirements should be desirable.

The Secretary is authorized by present provisions of the marketing agreement and order to prescribe the time and manner of nominating members and alternate members of the committee. The Fruit and Vegetable Branch, Production and Marketing Administration,

proposed such conforming amendments to the present marketing agreement and order as might be required by amendments thereto specifically set forth in the notice of hearing and considered at the public hearing thereon. Proponents of amendments to the provisions of the marketing agreement and order applicable to the Administrative Committee stated that minor changes should be made to the "Term of Office" section thereof. Therefore, the term of office provision of the marketing agreement and order should be amended to modernize the language therein contained and to retain committee members and alternates in office for the term for which they are selected and qualified and until their respective successors are selected and have qualified, regardless of the time at which amendments to the marketing agreement and order become effective. Although such results could be attained by appropriate prescription of the Secretary in connection with the time and manner of nominating members and alternate members of the committee, it is deemed desirable to amend the marketing agreement and order in connection with such "Term of Office," so that all parties affected thereby will have prompt and timely notice of the manner in which the Administrative Committee will be expanded from seven to eleven members and prompt and timely notice of the official status of incumbent committee members and alternates.

Therefore, on the basis of the foregoing findings and reasons, it is concluded that the present provisions of the marketing agreement and order should be amended, as hereinafter set forth, to provide that the committee be composed of eleven members and eleven alternates; that grower representation thereon be, insofar as is practicable, on a geographical representation basis; that four handlers and their alternates be selected to serve on such committee; that growers and handlers duly selected and qualified for service on such committee nominate two impartial members and their alternates to serve on said committee; that one impartial member and alternate be selected by the Secretary to serve on said committee; that the term of office of committee members and alternates be for periods of two years beginning on November 1, 1944, and on the 1st of November of each even numbered year thereafter; and that a majority of the committee shall constitute a quorum, with action of the committee to require six concurring votes.

(4) The production of oranges in the States of California and Arizona is in excess of a quantity which, when marketed in their entirety, will permit farmers to obtain prices therefor at a level that will give such oranges a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of such oranges during the period August 1919-July 1929. Oranges produced in said States and diverted from fresh fruit channels to other market channels do not return to the growers thereof prices equal to price returns from oranges sold in fresh fruit channels, but such diversion will tend to increase the prices received by said

growers for oranges marketed in fresh fruit channels toward the prices declared in the act to be the policy of Congress to establish, thereby raising the returns to growers of all oranges because the increased price returns received from oranges marketed in fresh fruit channels is not entirely offset by lower price returns from diverted oranges. Under average normal conditions, with or without regulation on the handling of oranges grown in said States, there is diversion from fresh fruit channels of that portion of such oranges which, from time to time, are deemed to be less desirable for fresh fruit channels on the basis of price returns which are obtainable therefor. This diversion is, however, based entirely on the judgments of individual handlers of such oranges, subject to some limitation when volume regulation is in effect, as to the quantity which should be diverted. Each of such judgments is predicated on the greatest good to be derived by the individual therefrom and, consequently, the composite judgment of such handlers does not always result in the diversion of a sufficiently large quantity of such oranges to attain the maximum possible benefit under the act for all growers of such oranges.

The marketing agreement and order contains no direct provisions for the regulation or control on the handling of that quantity of oranges produced in the aforesaid States in excess of the quantity necessary to supply normal demand therefor, which oranges are, therefore, surplus. Such surplus oranges are potentially available for sale in any market at all times and handlers thereof actually market a portion of such surplus oranges where possible and when such marketing potentially results in returns therefor equal to or slightly in excess of the actual cost of such marketing. This potential availability and actual marketing depress the prices growers receive for all oranges produced in the aforesaid States. Removal of such surplus from all possibility of being marketed would, therefore, tend to effectuate the declared policy of the act by increasing price returns received by growers of oranges produced in said States and marketed, thereby tending to give producers of all oranges produced in said States prices therefor declared in the act to be the policy of Congress to establish. No reasonable method of completely eliminating all of such surplus oranges produced in the aforesaid States, or of equalizing the burden of such elimination among producers and handlers thereof, was presented at the public hearing.

There is no uniformity of opinion among producers and handlers of oranges grown in the aforesaid States as to the method which should be employed in reducing or controlling the aforesaid surplus oranges, which reduction or control would tend to effectuate the declared policy of the act. However, such producers and handlers generally agree that oranges of specified sizes at various times generally bring lower price returns to the producers thereof in fresh fruit marketing channels than oranges of other sizes. Elimination of such lower price

return oranges from market in fresh fruit channels would free such channels from the depressing price effect of the aforesaid surplus oranges, thereby tending to effectuate the declared policy of the act, and would work no hardship on the producers of such oranges because when the average production of such sizes by any one of such producers prevents him from shipping, by virtue of size regulations, as large a proportion of each variety of his oranges as the average proportion of each such variety of oranges to be shipped by all producers in the aforesaid States or in such producer's prorate district, such producer of excess quantities of such sizes would be permitted to ship a sufficient quantity of each such variety of his oranges to equal the average to be shipped of each such variety by all producers of such variety in the aforesaid States or in such producer's prorate district.

Price returns to growers of oranges in the aforesaid States are not at an identical rate for all sizes thereof, regardless of the channel in which they are marketed, and the returns to such growers for any particular size of oranges fluctuate from day to day and week to week. Demand in fresh fruit channels, in conjunction with available supply, dictates such prices in such channels. Therefore, size regulation of such oranges can adjust the supply thereof, by sizes, available in fresh fruit marketing channels to such volume as will tend to increase grower returns therefor. Oranges eliminated from fresh fruit marketing channels by such size regulations will tend to be diverted to non-regulated channels. While all of such diversion will not afford the producers of the oranges involved therein price returns equal to price returns from oranges marketed in fresh fruit channels, the removal of such oranges from possibility of marketing in fresh fruit channels will tend to sufficiently increase prices received by growers for oranges marketed in such fresh fruit channels to more than offset relatively lower price returns to growers of oranges so diverted. Such size regulation should merely prohibit the handling of specified sizes of the aforesaid oranges in interstate or foreign commerce, or such handling thereof as will directly burden, obstruct, or affect such commerce, so that the handlers of all of such oranges will continue to have equal opportunities subject to such regulation. Regulation to eliminate or to minimize the deleterious price return aspect of the aforesaid surplus oranges should not require diversion or elimination of a percentage of oranges grown in the aforesaid States because such specification would, under certain circumstances, result, for example, in lower price returns to growers of oranges in the aforesaid States through diversion or elimination of high quality oranges of sizes commanding consumer premiums and through marketing of low quality and undesirable sized oranges.

Canada constitutes a relatively large fresh fruit market for small sized oranges grown in the aforesaid States. Small sized oranges from California and

Arizona return to the growers thereof a higher price when sold in Canada than when sold in the Continental United States or Alaska. Therefore, size regulation on the handling of oranges grown in said States should facilitate preservation of such Canadian outlet by, under appropriate circumstance, permitting different sized oranges to be shipped to Canada than to other points in Continental United States or Alaska.

Size regulation will tend to minimize or eliminate undesirable sizes from market (which can not be satisfactorily accomplished under volume regulation alone), which undesirable sizes depress the entire fresh fruit market once for all oranges, including those particular sizes, grown in said States. Under other circumstances, size regulation might not be necessary at all because of the relative nonexistence of undesirable sizes. Size regulation should be used, therefore, to effectuate the declared policy of the act, with or without volume regulation, as the circumstances warrant. Such use does not alter present marketing agreement and order requirement relevant to recommendations for and issuance of volume regulation.

Size regulation on the foregoing basis will not result in the complete elimination of the surplus problem of oranges grown in the aforesaid States. Regulation on such basis will, however, tend to increase grower price returns for oranges grown in said States and marketed in fresh fruit channels by an amount in excess of lower grower returns received from oranges grown in said States and diverted to other than fresh fruit channels.

On the basis of the findings and reasons hereinbefore set forth, it is concluded that the marketing agreement and order should be amended to permit the administrative committee to recommend size regulation of oranges grown in the States of California and Arizona when conditions warrant; that such regulation may thereafter be made effective, with or without volume regulation, upon a determination that such regulation will tend to effectuate the declared policy of the act; that such regulation shall prohibit the shipment of oranges grown in said States in interstate or foreign commerce, or so as to directly burden, obstruct, or affect such commerce, of a specified size or sizes during a specified period or periods; that such regulation shall permit size limitations of shipments to Canada different from such limitations to the continental United States and Alaska, and that such regulation shall permit all growers of oranges so regulated to apply for and receive permission to ship such quantity of sizes of each variety prohibited from shipment by such regulation as may be necessary to permit them to ship the proportionate average of such variety to be shipped by all growers of such varieties in said States or all growers of such varieties in the applicant's prorate district.

(5) Any sale of oranges affects the price and supply of all other sales of oranges. Fluctuations of prices for oranges in any market result in fluctuations of prices therefor in all other mar-

kets. While prices received in California and Arizona for oranges grown in those States fluctuate in accordance with the volume of such oranges offered for sale therein, which volume is directly affected by the interstate market price received for oranges grown in said States and by the total available supply of oranges grown in such States, such California and Arizona prices have been generally lower than the prices received for such oranges in interstate fresh fruit markets, e. g., substantially lower average returns were received on an f. o. b. basis for oranges marketed within the State of California during the periods June 2 to July 31, 1947, January 2 to January 12, 1948, and January 13 to February 27, 1948, than returns for comparable oranges marketed in interstate fresh fruit markets during the same periods.

All oranges grown in the aforesaid States were, prior to regulation under the marketing agreement and order, available to satisfy all marketing requirements therefor. During such period, the surplus portion of such orange crop had a depressing effect on the prices growers received therefor from all markets. Limitation of the volume of such oranges which could be marketed in interstate fresh fruit channels under the marketing agreement and order tended to increase grower returns for the oranges so marketed. However, the continued existence of surplus oranges grown and marketed in said States free from regulation of any kind depressed the price returns to growers of oranges produced in such States and marketed in interstate fresh fruit channels because of the disposition of purchasers of oranges in interstate fresh fruit channels to restrict their purchases in anticipation of eventually being able to procure a portion of the surplus orange crop grown in such States at reduced prices. Although relatively little of the surplus orange crop grown in said States and prohibited from shipment by regulation under the marketing agreement and order reaches interstate fresh fruit marketing channels contrary to regulations applicable thereto, the aforesaid disposition continues.

In excess of 10 percent of the total sales in fresh fruit channels of oranges grown in the aforesaid States are consummated in such States for consumption therein. Such percentage will increase as the population of such States increases.

Such appreciable percentage of unregulated oranges produced and sold in said States for prices generally less than the prices received by growers for oranges produced in such States and sold in interstate fresh fruit channels, creates a psychological sales inertia in interstate fresh fruit channels merely because of the general dissemination of information relevant to such lower prevailing prices in the aforesaid States.

The price received for oranges sold within these States is very low during certain periods of the year and, during such periods, growers receive little or no return therefor. This creates confusion and lack of confidence in the interstate markets for oranges grown in such States. Also, growers must receive

larger returns for the oranges marketed in interstate commerce as a result of such low prices in intrastate markets to establish the level of prices declared in the act to be the policy of Congress to establish. This directly burdens, obstructs, and affects interstate and foreign commerce in oranges.

While the total sales of oranges produced and sold in the aforesaid States exceed 10 percent of the total quantity of oranges produced in such States, the prices received therefor and the quantity available at any particular time are subject to wide fluctuations because the premium market for oranges produced in said States is the interstate fresh fruit market. Such wide fluctuations of price and quantity promotes disorderly marketing in such States and in interstate fresh fruit channels. Regulation of the handling of oranges grown and sold in said States should result in more orderly marketing in such States and in interstate fresh fruit markets if the quantity of oranges available therefor is restricted on a uniform basis for both of such markets, thereby resulting in relatively uniform average prices for such oranges to the producers thereof. There is no reason to anticipate that such regulation will result in other than an orderly intrastate and interstate marketing for oranges produced in said States because such regulation will tend to remove the reasons for price and volume fluctuations in each of such markets, including the depressing effect on the price of oranges produced and sold in the aforesaid States of a large potential surplus orange crop which could be marketed therein free from regulation.

The act permits regulation of all handling of oranges grown in the aforesaid States, which handling is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce, on the basis of size, volume, or both. The act prohibits the application of such regulation to a retailer of oranges in his capacity as such retailer and to a producer of such oranges in his capacity as a producer. Sales of oranges grown in said States on the trees by the producers thereof and the transportation of oranges grown in the aforesaid States to packing houses for the purpose of having such oranges prepared for market should not be subjected to regulation because it is administratively desirable and most effective to subject such oranges to regulation in the possession of handlers subsequent to such sales or transportation. As all handling of the aforesaid oranges except as indicated above and except for the handling of oranges specifically exempt from regulation by the provisions of the act or the marketing agreement and order, is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, as hereinbefore found, it is concluded that the handling of all of such oranges, with the exception hereinbefore noted, should be subject to such regulation and that the marketing agreement and order should be appropriately amended to so provide.

(6) To facilitate effective enforcement of the regulation of the handling of or-

anges grown in the aforesaid States, it will be necessary to require more detailed reports from handlers than heretofore required, i. e., handlers should be required to report to the Administrative Committee the total disposition of all oranges handled by them in such manner that said committee will be permitted, on the basis of such reports, to verify the contents thereof. Therefore, the present report provisions of the marketing agreement and order should be amended to provide that handlers should report the total quantity of oranges handled by them, showing the destination, quantity and size by variety, and purpose for which such quantities are to be used, of each lot thereof. While all of such information will satisfactorily serve the purpose for which it is submitted to the Administrative Committee if such information is submitted on a weekly basis because allotments are issued on a weekly basis and determinations relevant to allotment violation are on a weekly basis, size information by variety and standard pack box or its equivalent should be mailed to the Administrative Committee within 24 hours after shipment of each standard packed box or its equivalent because each shipment must comply with applicable size regulations in effect at the time of shipment and delay in ascertaining the existence of violations of such regulations would unnecessarily jeopardize the effectiveness of such regulation. Therefore, report requirements of the marketing agreement and order should be amended as hereinafter set forth.

(7) The Administrative Committee of the marketing agreement and order is presently empowered to appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each such appointee. There is no cogent reason disclosed in the hearing record to justify a specific requirement that the committee appoint a particular type of employee; the committee already has such power and, if the committee deems it desirable to appoint a marketing economist or other specialist to aid it in discharging its duties, sufficient provision is already made in the marketing agreement and order for such purpose.

(8) The hearing record does not contain substantial evidence justifying amendment of the marketing agreement and order to establish a new method for adjusting prorate bases in accordance with changes of control of oranges grown in the aforesaid States. Testimony in the record on such proposed new method shows that, for example, the adoption thereof would permit handlers to obtain allotments on the basis of all oranges controlled by them; use such allotment to ship oranges procured from producers favored by them; and, when the aforesaid shipments were consummated and unfavored producers changed handlers because of such favoritism, no appropriate adjustment would be made for the use of allotment procured on the basis of the control of oranges of such unfavored producer to ship the oranges of such favored producers. The present provisions of the marketing agreement

and order contain no such manifest inequity and, accordingly, should not be amended as proposed.

(9) The proposal to define "diversion" and "export" were proposed in the hearing notice and considered at the hearing as part of the proposal to amend the marketing agreement and order to establish and operate a diversion program. As it has been heretofore found and concluded that the marketing agreement and order should not be amended to establish provisions therein for such diversion program, it is herewith found and concluded that amending the marketing agreement and order to define "diversion" would serve no useful purpose and that, therefore, such amendment to define "diversion" should not be made. Similarly, a definition of "export" would serve no useful purpose in connection with the aforesaid diversion program but substantial evidence in the hearing record shows that such definition in the marketing agreement and order would permit a desirable simplification of other language in the agreement and order. Therefore, it is found and concluded that the marketing agreement and order should be amended to incorporate therein a definition of "export" to simplify language therein, as hereinafter set forth.

(10) Oranges grown in the aforesaid States which are free from regulation under the marketing agreement and order, except for safeguards established by the administrative committee to prevent such oranges from being disposed of in violation of regulations, are, manifestly, not "handled" as such term is defined in said marketing agreement and order. Some individuals have, under the marketing agreement and order and despite the aforesaid safeguards, handled oranges, the handling of which should have been subject to regulation, which handling was not, in fact, regulated because of representations that such oranges were being disposed of for purposes specifically declared in the act and the marketing agreement and order to be free from regulation and because of allegations of ignorance as to the possibility of such diversion from channels free from regulation. Such diversion constitutes a real menace to effective administration of the marketing agreement and order. Therefore, it is found and concluded that the provisions of the marketing agreement and order relevant to oranges the disposition of which is free from regulation should be amended to correctly indicate that such oranges are not handled and that the aforesaid safeguards are prescribed to insure that the provisions of the marketing agreement and order are not violated, intentionally or otherwise, by the said diversions.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Mutual Orange Distributors, California Fruit Growers Exchange, Southern Shippers Group, Independent Citrus Growers and Shippers Association, Central California Citrus Exchange and Tulare County Fruit Exchange, and Arizona Orange-Lemon Growers Association. Every point covered in the briefs was

carefully considered along with the evidence in the record, in making the findings and reaching the conclusions heretofore set forth. To the extent that such proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings and conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (1) The tentatively approved marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The tentatively approved marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended regulate the handling of oranges grown in the State of California or in the State of Arizona in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the tentatively approved marketing agreement upon which hearings have been held;

(3) The terms and provisions of the tentatively approved marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary to give due recognition to the difference in production and marketing of oranges grown in the State of California or in the State of Arizona; and

(4) The tentatively approved marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of such regional production area would not effectively carry out the declared policy of the act.

Recommended amendments to the tentatively approved marketing agreement and order. The following amendments to the tentatively approved marketing agreement and the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

(1) Delete paragraph (j) of § 966.3 of the order and paragraph (j) of section 1 of the tentatively approved marketing agreement and substitute therefor the following:

(j) "Handle" means to buy, sell, consign, transport, ship (except as a common carrier of oranges owned by another person), or in any other way to place oranges in fresh form in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce. The term "handle" does not include (i) the sale of oranges on the tree, or (ii) the transportation of oranges to a packing house for the purpose of having such oranges prepared for market.

(2) Add to § 966.3 of the order and to section 1 of the tentatively approved marketing agreement the following:

(o) "Export" means shipments of oranges in fresh form to points outside the continental United States, Canada and Alaska. —

(3) Delete paragraph (a) of § 966.4 of the order and paragraph (a) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(a) *Establishment and membership.* There is hereby established an Orange Administrative Committee consisting of eleven members, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and who shall have the same qualifications as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers or employees of central marketing organizations. Four of the members and their respective alternates shall be handlers or employees of handlers or employees of central marketing organizations. One member of the committee and an alternate of such member shall be nominated as provided in (c) (6) of this section. The six members of the committee who shall be growers and who shall not be handlers or employees of handlers or employees of central marketing organizations are hereinafter referred to as "grower" members of the committee and the four members who shall be handlers or employees of handlers or employees of central marketing organizations are hereinafter referred to as "handler" members of the committee.

(4) Delete paragraph (b) of § 966.4 of the order and paragraph (b) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(b) *Term of office.* The term of office of committee members and alternate members shall be for a period of two years. The first regular term of office shall be for a period of two years. The first regular term of office shall begin on November 1, 1944, and subsequent terms shall begin on November 1 of each even numbered year thereafter: *Provided*, That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

(5) Delete paragraph (c) (2) or § 966.4 of the order and paragraph (c) (2) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(2) Any cooperative marketing organization, or the growers affiliated therewith, which marketed more than 50 percent of the total volume of oranges marketed in fresh fruit form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are submitted shall nominate not less than six growers

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for three grower members; not less than six growers for three alternate members; not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for two handler members; and not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for two alternate members of the committee.

(6) Delete paragraph (c) (3) of § 966.4 of the order and paragraph (c) (3) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(3) All cooperative marketing organizations which market oranges and which are not qualified under (c) (2) of this section, or the growers affiliated therewith, shall nominate not less than two growers for one grower member; not less than two growers for one alternate member; not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one alternate member of the committee.

(7) Delete paragraph (c) (4) of § 966.4 of the order and paragraph (c) (4) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(4) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate not less than four growers for two grower members; not less than four growers for two alternate members; not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one alternate member of the committee.

(8) Delete paragraph (c) (6) of § 966.4 of the order and paragraph (c) (6) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(6) The members of the committees selected by the Secretary pursuant to paragraph (d) of this section shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler) or of a central marketing organization, or in any other way directly associated with the production or marketing of oranges. If committee members and alternate members for the term of office ending on October 31, 1950, have been selected prior to the effective date hereof and qualify within the time limit prescribed by para-

graph (f) of this section, the provisions of paragraph (c) (6) and (d) hereof shall only be applicable to handler members and alternate members of the committee during such term of office.

(9) Delete paragraph (d) of § 966.4 of the order and paragraph (d) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(d) *Selection.* (1) From the nominations made pursuant to paragraph (c) (2) of this section the Secretary shall select three grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to paragraph (c) (3) of this section the Secretary shall select one grower member of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to paragraph (c) (4) of this section the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to paragraph (c) (6) of this section the Secretary shall select one member of the committee and an alternate to such member. If nominee lists of handler members and alternate members of the committee for the biennial term of office ending October 31, 1950, are not submitted to the Secretary by growers and cooperative marketing organizations on the representative bases provided in paragraphs (c) (2) (c) (3), and (c) (4) of this section, by the effective date hereof, the Secretary may make such selections on such representative bases without regard to nominee lists.

(2) In making his selections of members of the committee and their alternates the Secretary, insofar as practicable, shall select grower members and their respective alternates so as to give reasonable and adequate representation on the committee to the following geographical and growing areas: (i) Central and Northern California; (ii) Ventura and Santa Barbara Counties, California; (iii) Los Angeles County, California; (iv) San Bernardino and Riverside Counties, California; (v) Orange County, California; (vi) San Diego and Imperial Counties, California, and the State of Arizona; and so as to give reasonable and adequate representation to both Valencia orange growers and the growers of all other varieties of oranges.

(10) Delete paragraph (j) (9) of § 966.4 of the order and paragraph (j) (9) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(9) To provide an adequate system for determining the total quantity of each variety of oranges available for current shipment, and to make such determinations, including determinations by grade, size, and maturity conditions, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration hereof;

(11) Delete paragraph (k) (1) of § 966.4 of the order and paragraph (k) (1) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(1) A majority of the committee shall constitute a quorum and any action of the committee shall require at least six concurring votes.

(12) Delete the caption from paragraph (b) of § 966.6 of the order and paragraph (b) of section 4 of the tentatively approved marketing agreement and substitute therefor the following: "(b) *Recommendations for volume regulation.*"

(13) Delete paragraph (b) (1) of § 966.6 of the order and substitute therefor the following:

(1) Each week during the marketing season for each variety of oranges the committee shall recommend to the Secretary the total quantity of each such variety of oranges which it deems advisable to be handled during the next succeeding week. The committee shall give due consideration to the maturity of oranges in making such recommendations. If prorate districts are established pursuant to § 966.7, the committee shall recommend to the Secretary the total quantity of each such variety of oranges grown in each such prorate district which it deems advisable to be handled during each such week, and such recommendation shall include the quantity of oranges to be handled during such week in each such prorate district whenever the committee determines that maturity conditions in such district make it advisable to so recommend. If, for any reason, the committee fails to recommend to the Secretary the total quantity of each variety of oranges which it deems advisable to be handled during each week, as required hereby, reports representing the respective views of the committee members with respect to its failure to act shall be submitted promptly to the Secretary.

(14) Delete paragraph (b) (1) of section 4 of the tentatively approved marketing agreement and substitute therefor the following:

(1) Each week during the marketing season for each variety of oranges the committee shall recommend to the Secretary the total quantity of each such variety of oranges which it deems advisable to be handled during the next succeeding week. The committee shall give due consideration to the maturity of oranges in making such recommendations. If prorate districts are established pursuant to section 5, the committee shall recommend to the Secretary the total quantity of each such variety of oranges grown in each such prorate district which it deems advisable to be handled during each such week, and such recommendation shall include the quantity of oranges to be handled during such week in each such prorate district whenever the committee determines that maturity conditions in such district make it advisable to so recommend. If, for any reason, the committee fails to recommend to the Secretary the total quantity

of each variety of oranges which it deems advisable to be handled during each week, as required hereby, reports representing the respective views of the committee members with respect to its failure to act shall be submitted promptly to the Secretary.

(15) Delete the caption from paragraph (c) of § 966.6 of the order and from paragraph (c) of section 4 of the tentatively approved marketing agreement and substitute therefor the following: "(c) *Issuance of volume regulation.*"

(16) Delete paragraph (k) of § 966.6 of the order and substitute therefor the following:

(k) *Early maturity and short life allotments.* Notwithstanding the foregoing provisions of this section, the committee may withhold from the allotment of handlers for a variety of oranges, at a uniform rate for all handlers, an amount sufficient to permit handlers controlling oranges of such variety of early maturity or short life to handle during the normal marketing period of such early maturity or short life oranges as large a proportion of such variety as the average of such variety which will be handled by all handlers thereof. Handlers controlling oranges of early maturity or short life may apply for such withheld allotment, and such application shall be made on forms supplied by the committee and shall be accompanied by information necessary to permit the committee to determine the validity of such applicant's claim to such withheld allotment. The committee shall determine, on the basis of all available information, the extent to which a handler needs allotment under the provisions hereof and, pursuant to such determination, shall allocate such allotment to such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his controlled oranges of early maturity or short life. Such determination and allotment issued pursuant thereto shall not permit a handler to receive more allotment proportionately for any one variety of oranges than the average allotment to be issued to all handlers of such variety. After a handler of early maturity and short life oranges of a variety has received allotment therefor hereunder sufficient to make the total allotment issued to him equal proportionately to the average allotment issued to all handlers of such variety, allotment thereafter due such handler of early maturity and short life oranges in connection with such oranges, on the basis of his prorate base and control of such oranges, shall be allocated to handlers from whom allotment has been withheld hereunder. Allocation of allotment hereunder may only be effected in connection with oranges of early maturity or short life. The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions hereof. If prorate districts are established pursuant to § 966.7, allotments withheld, issued, and allocated, and averages computed hereunder shall be on a prorate district basis.

(17) Delete paragraph (k) of section 4 of the tentatively approved marketing agreement and substitute therefor the following:

(k) *Early maturity and short life allotments.* Notwithstanding the foregoing provisions of this section, the committee may withhold from the allotment of handlers for a variety of oranges, at a uniform rate for all handlers, an amount sufficient to permit handlers controlling oranges of such variety of early maturity or short life to handle during the normal marketing period of such early maturity or short life oranges as large a proportion of such variety as the average of such variety which will be handled by all handlers thereof. Handlers controlling oranges of early maturity or short life may apply for such withheld allotment, and such application shall be made on forms supplied by the committee and shall be accompanied by information necessary to permit the committee to determine the validity of such applicant's claim to such withheld allotment. The committee shall determine, on the basis of all available information, the extent to which a handler needs allotment under the provisions hereof and, pursuant to such determination, shall allocate such allotment to such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his controlled oranges of early maturity or short life. Such determination and allotment issued pursuant thereto shall not permit a handler to receive more allotment proportionately for any one variety of oranges than the average allotment to be issued to all handlers of such variety. After a handler of early maturity and short life oranges of a variety has received allotment therefor hereunder sufficient to make the total allotment issued to him equal proportionately to the average allotment issued to all handlers of such variety, allotment thereafter due such handler of early maturity and short life oranges in connection with such oranges, on the basis of his prorate base and control of such oranges, shall be allocated to handlers from whom allotment has been withheld hereunder. Allocation of allotment hereunder may only be effected in connection with oranges of early maturity or short life. The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions hereof. If prorate districts are established pursuant to section 5, allotments withheld, issued, and allocated, and averages computed hereunder shall be on a prorate district basis.

(18) Add to § 966.6 of the order and to section 4 of the tentatively approved marketing agreement the following:

(n) *Recommendations for size regulation.* (1) Whenever the committee finds that the supply and demand conditions for sizes of each variety of oranges make it advisable to regulate the handling of particular sizes of each such variety of oranges during any period, it shall recommend the particular sizes thereof deemed advisable to be handled during said period; and any such recommenda-

tion may include a proposal that the handling of oranges shipped to Canada shall be subject to size regulation different from the proposed size regulation applicable to the handling of other shipments of oranges. If prorate districts are established, the committee shall recommend to the Secretary the sizes of each such variety of oranges grown in each such prorate district which it deems advisable to be handled during any period. The committee shall promptly submit such findings and recommendations, together with supporting information, to the Secretary.

(2) In making its recommendations the committee shall give due consideration to the factors referred to in paragraph (b) (2) of this section.

(o) *Issuance of size regulations.* Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of each variety of oranges to particular sizes would tend to effectuate the declared policy of the act, he shall so limit the shipment of oranges during the specified period; and any such regulation may provide that the handling of oranges shipped to Canada shall be subject to size regulation different from the size regulation applicable to the handling of other shipments of oranges. If prorate districts are established, the Secretary, upon the basis of recommendations and information submitted to the committee, or from other available information, shall fix the sizes of each variety of oranges grown in each such prorate district which may be handled during any period. The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give adequate notice thereof to all handlers.

(19) Add to § 966.6 of the order the following:

(p) *Exemptions from size regulation.* In the event any variety of oranges is regulated pursuant to paragraph (o) of this section, the committee may issue one or more exemption certificates to any producer who furnishes adequate evidence to the said committee that he will be prevented by reason of such regulation from having as large a proportion of such variety of oranges handled as the average proportion of such variety which will be handled by all other producers. If prorate districts are established pursuant to § 966.7, such average proportions shall be computed on a prorate district basis. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers.

(20) Add to section 4 of the tentatively approved marketing agreement the following:

(p) *Exemptions from size regulation.* In the event any variety of oranges is regulated pursuant to paragraph (o) of this section, the committee

may issue one or more exemption certificates to any producer who furnishes adequate evidence to the said committee that he will be prevented by reason of such regulation from having as large a proportion of such variety of oranges handled as the average proportion of such variety which will be handled by all other producers. If prorate districts are established pursuant to section 5, such average proportions shall be computed on a prorate district basis. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers.

(21) Add to § 966.6 of the order and to section 4 of the tentatively approved marketing agreement the following:

(q) The Secretary, the committee, or both, may investigate compliance with respect to the regulation of the handling of oranges pursuant to this section.

(22) Delete § 966.8 of the order and substitute therefor the following:

§ 966.8 *Oranges not subject to regulation.* Nothing contained herein shall be construed to authorize any limitation of the right of any person to handle oranges (a) for consumption by charitable institutions or for distribution by relief agencies; (b) for conversion into by-products; (c) for export; (d) for shipment by parcel post or by railway express in less than carload lots; or (e) for distribution as a gratuity in units of five boxes or less. No assessment shall be levied pursuant to § 966.5 on oranges disposed of for the purposes specified in this section. The committee shall prescribe, with the approval of the Secretary, adequate safeguards to insure that the provisions of this order are not violated, intentionally or otherwise, by the entry into commercial fresh fruit channels of trade of oranges disposed of for the purposes designated in this section.

(23) Delete section 6 of the tentatively approved marketing agreement and substitute therefor the following:

SEC. 6. *Oranges not subject to regulation.* Nothing contained herein shall be construed to authorize any limitation of the right of any person to handle oranges (a) for consumption by charitable institutions or for distribution by relief agencies; (b) for conversion into by-products; (c) for exports; (d) for shipment by parcel post or by railway express in less than carload lots; or (e) for distribution as a gratuity in units of five boxes or less. No assessments shall be levied pursuant to section 3 on oranges disposed of for the purposes specified in this section. The committee shall prescribe, with the approval of the Secretary, adequate safeguards to insure that the provisions of this order are not violated, intentionally or otherwise, by the entry into commercial fresh fruit channels of trade of oranges disposed of for the purposes designated in this section.

(24) Delete paragraph (a) of § 966.9 of the order and paragraph (a) of section 7 of the tentatively approved mar-

keting agreement and substitute therefor the following:

(a) *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to each variety of oranges disposed of by each such handler during the immediately preceding week: (1) The total quantity handled, showing the destination and quantity of each lot constituting said total quantity handled; (2) the total quantity disposed of for manufacture into by-products, showing the identity of each by-products processor involved and the quantity to each; (3) the total quantity disposed of for export, showing the destination and quantity of each such disposition; (4) the total quantity shipped for disposition to persons on relief, including quantity donated for charitable purposes, showing the destination and quantity of each such shipment; and (5) the total quantity disposed of otherwise, showing manner and quantity of each such disposition. As to each such handler, the total of all these five categories shall be the total of all oranges of each variety disposed of by said handler.

(25) Insert after paragraph (a) of § 966.9 of the order and after paragraph (a) of section 7 of the tentatively approved marketing agreement the following paragraph (b) and redesignate the present paragraph (b) thereof as paragraph (c)

(b) *Manifest report.* Each handler shall furnish to the committee information regarding the variety and size of oranges in each standard packed box or its equivalent handled by such handler and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

Filed at Washington, D. C., this 8th day of September 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator Pro-
duction and Marketing Ad-
ministration.

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DEPARTMENT OF LABOR

Public Contracts Division

[41 CFR, Part 202]

WOOLEN AND WORSTED INDUSTRY

NOTICE OF HEARING ON PREVAILING MINIMUM WAGE

The Textile Workers Union of America has petitioned the Secretary of Labor for the issuance of a determination pursuant to the provisions of the act of June 30, 1936, (49 Stat. 2036; U. S. C., title 41, secs. 35-45; otherwise known as the Walsh-Healey Public Contracts Act) establishing the prevailing minimum wage for persons employed in the perform-

ance of contracts with agencies of the United States Government subject to the provisions of the Act for the manufacture or furnishing of the products of the Woollen and Worsted Industry at \$1.05 an hour or \$42 for a week of 40 hours, arrived at either upon a time or piecework basis.

The said Union has submitted lists of companies in the Industry which now have a minimum wage of \$1.05 or more per hour and has proposed a definition of the Industry, which definition is identical with that adopted by the Administrator of the Wage and Hour Division in Administrative Order No. 120 dated September 5, 1941 as the definition of the Woollen Industry in a wage order issued under date of November 24, 1941 pursuant to section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064; 29 U. S. C. 208), and which definition (29 CFR, Cum. Supp. 612.4) is as follows:

(a) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk), and all processes preparatory thereto.

(b) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk)

(c) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, topcoatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk)

(d) The picking of rags and clips made entirely from wool or animal fiber (other than silk), and the garnetting of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto.

(e) The manufacturing of batting, wadding, or filling made entirely of wool or animal fiber (other than silk)

(f) The manufacturing or processing of all yarns (other than carpet yarns) spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except the manufacturing or processing on systems other than the woollen system of yarns containing not more than 45 per cent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber.

(g) The manufacturing, dyeing, or other finishing of the products enumerated in clauses (b) (c), (d), and (e) from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 percent by weight of wool or animal fiber (other than silk) with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

Pursuant to Article 1102 of Regulations 504 (41 CFR, Cum. Supp., 201.1102) as amended (41 CFR, 1944 Supp., 201.1102), workers whose earning capacity is impaired by age or physical or mental deficiency or injury may, in accordance with the procedure set forth therein, be employed on all contracts subject to minimum wage determinations issued pur-

suant to the Public Contracts Act at wages lower than the prevailing minimum wage specified in such determinations.

Now, therefore, notice is hereby given: That a public hearing will be held on Thursday, October 14, 1948 at 10:00 a. m. in Conference Room "A" Interdepartmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and offer testimony. (1) Either for or against the proposal of the Textile Workers Union of America as hereinbefore set forth, (2) as to whether the determination should include provision for the employment of apprentices at rates lower than the minimum hereinbefore described provided their employment conforms with the standards of the Federal Committee on Apprenticeship, and (3) as to whether the determination should include provision for the employment of learners at a rate lower than the minimum hereinbefore described, and if so, in what occupations, at what subminimum rates, and with what limitations as to length of the learning period and the number or proportion of learners.

Any interested person may appear at the hearing to offer evidence, provided that not later than October 7, 1948, such person shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., a notice of intention to appear containing the following information:

1. The name and address of the person appearing;
2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing; and
3. The purpose for which he is appearing.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt.

Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement must be filed.

A limited number of copies of the lists prepared by the Textile Workers Union of America showing the companies now paying the proposed minimum wage or more will be available for distribution on or before the date of the hearing. Copies of these lists may be obtained by interested parties upon request addressed to the Administrator.

Signed at Washington, D. C., this 10th day of September 1948.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator.

[F. R. Doc. 48-8241; Filed, Sept. 13, 1948; 9:04 a. m.]

CIVIL AERONAUTICS BOARD

114 CFR, Parts 41, 421

PROVISIONS FOR THE ISSUANCE OF AIR CARRIER OPERATING CERTIFICATES FOR ALASKAN AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 41 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received within 15 days after the date of this publication will be considered by the Board before taking further action on the proposed rule.

Considerable study has been given to the alleviation of the operational problems which confront the scheduled air carriers operating wholly within the Territory of Alaska. At one time it was believed that this problem could only be solved by the promulgation of a new part of the Civil Air Regulations for operations in Alaska. However, it now appears that substantially all of the major provisions which would have been included in such a new part are now included in the proposed revision of Part 42 of the Civil Air Regulations.

Many certificated air carrier operations conducted in Alaska are of an irregular nature, and the conditions under which these operations are carried on are such that the carriers cannot comply with the requirements of Part 41. It appears that some Alaskan air carrier operations could be governed by the operating rules of Part 42 without adversely affecting safety, since the general safety standards of the proposed revision of Part 42, especially with respect to the use of the larger aircraft, are comparable to those of Part 41.

It is proposed to amend § 41.000 of the Civil Air Regulations to read as follows:

§ 41.000 *Alaskan air carriers.* An Alaskan air carrier may be issued an air carrier operating certificate and may be required to conduct all or any part of its operations under the provisions of Part 42 of this chapter whenever, upon investigation, the Administrator finds that because of the nature of a particular operation or class of operations the air carrier is unable to comply with the requirements of this part and that such operation or class of operations can be conducted safely under the provisions of Part 42 of this chapter.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a) 601-610; 52 Stat. 934, 1007-1012; 49 U. S. C. 425 (a), 551-560)

Dated: September 9, 1948.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 48-8213; Filed, Sept. 13, 1948; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

147 CFR, Part 131

[Docket No. 8481]

OPERATOR LICENSES FOR BROADCAST SERVICE

REPORT AND FINAL ORDER

In the matter of amendment of the Commission's rules and regulations to provide for three new classes of operator licenses for the broadcast service. (Formerly captioned: In the matter of amendments of §§ 13.2, 13.21, 13.22, and 13.61.

In the above entitled matter, a general public hearing before the Commission en banc was held in Washington, D. C. on May 10, 1948. Those appearing at the hearing were Byron Rea, Jr., on behalf of National Association of Broadcast Engineers and Technicians; L. Wimberly, on behalf of National Headquarters, International Brotherhood of Electrical Workers; S. L. Hicks, on behalf of Local No. 1229, International Brotherhood of Electrical Workers; Raymond A. Wood, on behalf of Local No. 1212, International Brotherhood of Electrical Workers; and Lester W. Spillane and George MacClain, on behalf of the Federal Communications Commission.

Since the end of the war, and in view of the development of new and advanced radio techniques, the Commission has been considering what revisions, if any, should be made in its operator license requirements for the operation of stations in the broadcast service. Particular attention has been given to the question of the desirability of establishing a graded system of operator licenses valid for specified operations in cases where under the present system only the first class radiotelephone operator license is valid. On August 1, 1947, a notice of proposed rule making was issued, proposing the establishment of a new lower class license valid for the limited operation of certain categories of broadcast stations of 1,000 watts or less authorized power. Written comments were received from many interested parties. On the basis of these comments and a series of informal conferences which were held, a further notice of proposed rule making was issued on March 25, 1948, incorporating some portions of the earlier notice but also proposing two additional classes of operator licenses for the broadcast service, and a general public hearing was scheduled on the matter of this proposed revision of operator requirements. The hearing was held on May 10, 1948, at which the above-named persons and organizations appeared and presented evidence.

On the basis of the entire record in this proceeding, the Commission has con-

PROPOSED RULE MAKING

cluded that no substantial need or justification exists for the proposed rules, or for any substantial change in the present structure of operator licenses for the broadcast service: *Provided*, That the qualifying examinations for the licenses are kept up to date in relation to developments in the broadcast radio art through appropriate periodic revisions in the qualifying examinations which underlie the license system.

Some time ago the Commission commenced the systematic revision of its operator license examinations. Work in this respect has recently been completed in regard to the examinations for the radiotelephone first and second class operator licenses and these revised examinations have been placed in effect.

In view of the foregoing, the Commission has concluded that it will be in the public interest to dismiss the proceedings

herein, and they are, accordingly, hereby ordered dismissed.

Adopted: September 8, 1948.

Released: September 9, 1948.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8209; Filed, Sept. 13, 1948;
8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 48-44]

PROPOSED DISCONTINUANCE OF SHIP SHOAL
RADIOBEACON

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that pursuant to 36 Stat. 538 (33 U. S. C. 720) and Public Law 786, 80th Congress, the United States Coast Guard is considering the discontinuance of the radiobeacon at Ship Shoal Light Station as hereinafter proposed.

The structure of Ship Shoal Light Station is about 90 years old; because of its condition it is considered unsafe for continued use as an attended aid to navigation. Further, repair of the structure is not feasible due to a general condition of corrosion throughout all structural members.

It is proposed, therefore, to convert the light to automatic operation at an intensity of 4,000 candlepower, and to discontinue the radiobeacon, relocating it at Point au Fer Reef Light Station if considered necessary.

Pursuant to 60 Stat. 238 (5 U. S. C. 1001 et. seq.) public hearings will be held on the following dates at the times and places indicated for the purpose of affording marine interests, and the public generally, an opportunity to present their views with respect to the above proposal.

Friday, 22 October, 1948 at 10:00 a. m..
Room 300, Association of Commerce
Building,
315 Camp Street,
New Orleans, Louisiana.

Tuesday, 26 October, 1948 at 10:00 a. m..
Grand Jury Room, Room 517,
Post Office and Courthouse Building,
601 Rosenberg Avenue,
Galveston, Texas.

Thursday, 28 October, 1948 at 10:00 a. m..
Assembly Room,
Port Arthur Chamber of Commerce Building,
Port Arthur, Texas.

All interested parties are invited to be present, or to be represented at the hearings. Oral statements will be heard, but for accuracy of record, all important facts and arguments should be submitted in writing (5 copies if practicable). Parties unable to appear or to be represented at the hearings may submit written statements prior to the hearings, and shall file them with the Commander, 8th

Coast Guard District (oan) 327 Customhouse Building, P. O. Box 282, New Orleans 9, Louisiana, at least 5 days before the date of the first hearing.

Dated: September 8, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-8210; Filed, Sept. 13, 1948;
8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2090871]

ALASKA

SHORE SPACE RESTORATION ORDER NO. 405

AUGUST 27, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566) it is ordered as follows:

The lands hereinafter described are hereby restored from the 80-rod shore space reserve and the 160-rod shore space restriction created under the act of May 14, 1898 (30 Stat. 409) as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371)

At 10:00 a. m. on October 29, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 29, 1948, to January 28, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 10, 1948, to October 28, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 29, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 29, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from January 9, 1949, to January 28, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 29, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Fairbanks, Alaska.

The lands affected by this order are described as follows:

FAIRBANKS MERIDIAN

T. 5 S., R. 4 E.,
Sec. 4, lots 5, 6, and 7, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Sec. 5, lot 1;
Sec. 8, lot 1;
Sec. 9, lot 1.

A tract of land on the left limit of the Kuskokwim River near to and west of the village of Aniak, Alaska, containing approximately 5 acres (headquarters site application of August Wilson, Fairbanks 05696).

The areas described aggregate approximately 214.77 acres.

The lands above described are not needed by the public for landing places or for harborage purposes. The surveyed lands are separated from the Tanana River by shallow, nonnavigable sloughs and in some places the main course of the river is more than a mile away from these lands. The lands in section 4 are embraced in the homestead entry Fairbanks 05714 of Brene S. Canaday who has occupied the lands for many years and placed valuable improvements thereon.

MARION CLAWSON,
Director.

[F. R. Doc. 48-8193; Filed, Sept. 13, 1948;
8:46 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2004]

HOLYOKE WATER POWER CO.

NOTICE OF APPLICATION FOR LICENSE

SEPTEMBER 7, 1948.

Public notice is hereby given that Holyoke Water Power Company of Holyoke, Massachusetts, has filed application for license for certain existing project works consisting of a masonry dam and appurtenances, a canal system, and three hydroelectric plants, on the Connecticut River, at Holyoke, Massachusetts, in Hampden and Hampshire Counties, Massachusetts, and for the proposed construction of a new concrete power plant to be located at the end of the existing masonry dam on the Holyoke side of the river, with initial installation of 15,000 kilowatts and ultimate installation of 60,000 kilowatts. The proposed initial construction would include the headworks structure for the first and second 15,000-kilowatt units and a tailrace, to be excavated in the bed of the river, adequate for the two units. Sufficient space adjacent to the initially constructed plant would be reserved for the future third and fourth units.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before October 15, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8196; Filed, Sept. 13, 1948;
8:46 a. m.]

[Project No. 340]

MINNESOTA POWER & LIGHT CO.

NOTICE OF OPINION NO. 167 AND ORDER

SEPTEMBER 9, 1948.

Notice is hereby given that, on September 3, 1948, the Federal Power Commission issued its Opinion No. 167 and order entered September 2, 1948, determining actual legitimate original cost and prescribing accounting therefor in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8203; Filed, Sept. 13, 1948;
8:48 a. m.]

[Docket No. G-1113]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 9, 1948.

Notice is hereby given that on August 30, 1948, Southern Natural Gas Company (Applicant) a Delaware corporation having its principal place of business at Birmingham, Alabama, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas transmission facilities described as follows:

(a) Approximately 6.9 miles of 8 $\frac{1}{2}$ -inch loop pipeline paralleling all of Applicant's present 8 $\frac{1}{2}$ -inch lateral line known as the Montgomery Lateral Line extending from Mile Post 116.919 on Applicant's Montgomery Branch Line to Applicant's city gate meter and regulator station serving the City of Montgomery, Alabama.

(b) Approximately 2.7 miles of 8 $\frac{1}{2}$ -inch loop pipeline paralleling part of Applicant's present 10 $\frac{3}{4}$ -inch lateral line, known as the Columbus Lateral Line, which extends 3 miles from Applicant's regulator station at the end of Applicant's Montgomery Branch Line at Mile Post 197.233 (immediately south of Phenix City, Alabama) to Applicant's meter station in the City of Columbus, Georgia. Said new loop pipeline will extend from said regulator station to a point in Phenix City, Alabama, at the western end of the bridge over the Chattahoochee River which connects Phenix City, Alabama, with Columbus, Georgia.

The application recites that the proposed construction will increase the capacity of Applicant's Montgomery Lateral Line from 19,000 Mcf per day to 38,000 Mcf per day, and will increase the capacity of Applicant's Columbus Lateral Line from 20,430 Mcf per day to 29,800 Mcf per day. It is further stated that the proposed facilities will enable Applicant to supply the capacity to meet anticipated peak day and peak hour requirements of Applicant's customers during the winter of 1948-49 in the cities of Montgomery, Alabama, and Columbus, Georgia. On peak days during the winter of 1948-49, Applicant intends to supply propane-air gas to the extent of approximately 30% of the gas volumes for Columbus from its propane plant located close to and downstream from its regulator station at the end of its Montgomery branch line.

The estimated total over-all capital cost of the proposed facilities is \$195,203, which will be financed out of Applicant's current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure (18 CFR.1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8203; Filed, Sept. 13, 1948;
8:48 a. m.]

[Docket No. G-1114]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 9, 1948.

Notice is hereby given that on August 30, 1948, Southern Natural Gas Company (Applicant) a Delaware corporation having its principal place of business at Birmingham, Alabama, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas transmission facilities described as follows:

Approximately 2.2 miles of 4-inch lateral line extending east from Applicant's Calera Branch Line at a point approximately 23.8 miles south of the point of connection of said branch line with Applicant's main line, to the plant of Dixie Lime and Rock Wool Company in Shelby County, Alabama, including a branch approximately 50 feet in length to that portion of said plant to be operated by Southern Lime Company, and the construction and operation of facilities for the measurement of gas.

The application recites that the proposed lateral line will be owned by Dixie Lime and Rock Wool Company, but will be constructed by Applicant for the Dixie Lime and Rock Wool Company at that company's expense. The proposed lateral will, however, be operated by Applicant at Applicant's expense.

The application further recites that the proposed lateral pipeline will be used for the direct sale of gas to said lime companies pursuant to the contracts to be entered into between Applicant and said companies. It is stated

that the proposed contracts will provide, subject to the terms and conditions therein stated, for the sale by Applicant of natural gas to said lime companies on an interruptible basis for the gas requirements of their plants, estimated in the case of Southern Lime Company to be 275 Mcf per day on full load, and in the case of Dixie Lime and Rock Wool Company to be 88 Mcf per day on full load. The requirements of the latter company may, however, approximate 198 Mcf per day, if certain experiments in the direct firing of gas on a slag-melting cupola are successful.

The estimated total over-all capital cost of the proposed facilities to be owned by Applicant is \$7,000, which will be financed out of its own funds. The construction of the proposed lateral line, estimated total over-all cost of which is \$16,500 will be at the expense of Dixie Lime and Rock Wool Company, which company will retain title thereto.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 and 1.10, whichever is applicable, of the rules of procedure (as amended on June 16, 1947) (18 CFR 1.8 and 1.10)

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8204; Filed, Sept. 13, 1948;
8:48 a. m.]

[Docket No. G-1060]

COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 8, 1948.

Upon consideration of the application filed June 15, 1948, as supplemented on July 15, July 23, and August 27, 1948, by Colorado Interstate Gas Company (Applicant) a Delaware corporation having its principal place of business at Colorado Springs, Colorado, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as more fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 8, 1948 (13 F. R. 3797)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 6, 1948, at 9:30 a. m. (EST), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 9, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8205; Filed, Sept. 13, 1948;
8:48 a. m.]

[Docket No. G-1064]

NORTHERN NATURAL GAS COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 8, 1948.

Upon consideration of the application filed June 28, 1948, and the amendment thereto filed August 9, 1948, by Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as more fully described in such application and amendment on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application and the amendment thereto be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due no-

tice of the filing of the application and the amendment thereto, including publication in the FEDERAL REGISTER on July 20, 1948 (13 F. R. 4138-39) and August 21, 1948 (13 F. R. 4880) respectively.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on September 28, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as amended: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 9, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8206; Filed, Sept. 13, 1948;
8:48 a. m.]

[Docket No. G-1118]

INTERSTATE NATURAL GAS COMPANY, INC.

ORDER SUSPENDING RATE SCHEDULES

SEPTEMBER 7, 1948.

It appearing to the Commission that:

(a) Interstate Natural Gas Company, Inc., (Interstate Natural) on August 9, 1948, filed proposed supplemental rate schedules intended to increase rates and charges for natural gas sold to the purchasers listed below. The supplements are designated as follows:

Supplement	Rate schedule No.	Name of purchaser
No. 1 to Supplement No. 1.	FPC No. 4...	Mississippi River Fuel Corp.
No. 1 to Supplement No. 3.	FPC No. 25...	Texas Gas Transmission Corp.
No. 1 to Supplement No. 1.	FPC No. 26...	Southern Natural Gas Co.

(b) Interstate Natural has been and is now a natural-gas company, subject to the jurisdiction of the Commission under the Natural Gas Act, engaged in the transportation of natural gas in the States of Louisiana and Mississippi, and in the sale of natural gas in interstate commerce to various purchasers, including those named in paragraph (a) above, for resale for ultimate public consumption for domestic, commercial, industrial and other uses.

(c) Interstate Natural estimates that the proposed increases in rates and charges will approximate a total of

\$130,700 during the first 12 months or an increase of more than 10 percent.

(d) The rates, charges, classifications, rules, regulations and practices, as set forth in the said supplements filed on August 9, 1948, have not been shown to be justified by Interstate Natural's statement filed under § 154.3 (c) of the Commission's regulations under the Natural Gas Act, and may be unjust, unreasonable, unduly discriminatory and prejudicial.

The Commission finds that:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed rates, charges and classifications as set forth in the supplements referred to in paragraph (a) above, and said supplements should be suspended as hereinafter provided and use deferred pending hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held commencing on October 18, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges and classifications, subject to the jurisdiction of the Commission, set forth in the supplements referred to in paragraph (a) above filed by the Interstate Natural Gas Company, Inc.

(B) Pending such hearing and decision thereon, the supplements referred to in paragraph (a) above, in so far as such supplements provide for the sale of natural gas for resale other than for industrial use only, be and they hereby are suspended and the use of such supplements is deferred until February 8, 1949, and until such further time thereafter as said supplements shall be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 7, 1948.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8207; Filed, Sept. 13, 1948;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1918]

ENGINEERS PUBLIC SERVICE CO. (INC.)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of September A. D. 1948.

Engineers Public Service Company (Incorporated) a registered holding company, having filed a declaration pur-

suant to section 7 of the Public Utility Holding Company Act of 1935 with respect to the transaction summarized below.

Declarant proposes to issue to Irving Trust Company a short-term promissory note in the principal amount of \$900,000 and dated September 27, 1948. Said note will mature January 27, 1949 and will bear interest at the prime interest rate of said bank in effect at the issue date. The declaration includes a copy of a letter from Irving Trust Company which states that its prime rate, as at July 2, 1948, was 1 3/4% per annum. The declaration states that the proceeds of said note will be used to pay off a note in the same principal amount maturing September 27, 1948 and now held by Irving Trust Company. Declarant now owns 162,612 shares of the common stock of Virginia Electric and Power Company and indicates in the declaration that prior to the maturity date of the note proposed to be issued, it will consider the advisability of selling a sufficient number of shares of such common stock to retire all or a part of said note.

It is represented by the Declarant that the proposed transaction is not subject to the jurisdiction of any State Commission or Federal Commission other than this Commission and that the expenses, consisting of counsel fees, in connection with the proposed transaction will amount to \$200.

Said declaration having been filed on August 4, 1948, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated under said act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant the request of Declarant that this order become effective upon issuance;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8194; Filed, Sept. 13, 1948;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 625; 50 U. S. C. and Supp. App. 1, 616; E. O. 9183, July 6, 1942, 3 CFR, Cum. Supp., E. O. 8567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11650]

EMMA MACKER

In re: Estate of Emma Macker, deceased. File No. D-28-2060; E. T. sec. 2439.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schaefer, Marie Fischer, Emma Peter, nee Koederitz, Otto Koederitz, Hilda Wolff, nee Koederitz, Max Koederitz, Marie Elsner, nee Koederitz, Alfred Koederitz, Irma Churt, nee Koederitz, _____ Berger, first name unknown, Herbert Berger, _____ Krebs, first name unknown, Karl Heinz Krebs, Dieter Krebs, Ingrid Krebs, Ida Wyrich, Ilse (Ilsa) Schiffner, Arthur Salut, and Martha Hess, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Emma Macker, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by the County Treasurer of Cook County, Illinois, as Depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8214; Filed, Sept. 13, 1948;
8:50 a. m.]

[Vesting Order 11692]

BUTZON & BERCKER

In re: Debt owing to Butzon & Bercker, also known as Verlag Butzon & Bercker, G. m. b. H. F-28-23610-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Butzon & Bercker, also known as Verlag Butzon & Bercker, G. m. b. H., the last known address of which is Kevelaer (Rheinland) is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Butzon & Bercker, also known as Verlag Butzon & Bercker, G. m. b. H., by Miller, Mack & Fairchild, 735 North Water Street, Milwaukee, Wisconsin, in the amount of \$219.00, as of August, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 48-8215; Filed, Sept. 13, 1948;
8:51 a. m.]

[Vesting Order 11893]

DRESDNER BANK

In re: Bank account owned by Dresdner Bank. F-28-176-E-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank, the last known

address of which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Dresdner Bank, by The Commercial National Bank & Trust Company, 46 Wall Street, New York, New York, arising out of a checking account, entitled Dresdner Bank Free Dollar Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 48-8216; Filed, Sept. 13, 1948;
8:51 a. m.]

[Vesting Order 11894]

DRESDNER BANK

In re: Bank account owned by Dresdner Bank. F-28-176-E-7.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank, the last known address of which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obli-

gation owing to Dresdner Bank, by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Dresdner Bank, and any and all rights to demand, enforce and collect the same;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8217; Filed, Sept. 13, 1948;
8:51 a. m.]

[Vesting Order 11896]

LOUISE GROSS AND CHARLES GROSS

In re: Bank account owned by Louise Gross and Charles Gross. D-28-973-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Gross and Charles Gross, whose last known address is Stuttgart, Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to Louise Gross and Charles Gross, by Hamburg Savings Bank, 1451 Myrtle Avenue, Brooklyn, New York, arising out of a Joint Account, account number 100,735, entitled Charles Gross Louise Gross, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid

nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8218; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11898]

HEDWIG SCHINDEWOLF

In re: Bank account owned by Hedwig Schindewolf, also known as Hedwig Scheel. F-28-29133-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Schindewolf, also known as Hedwig Scheel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of the Mechanics National Bank, Burlington, New Jersey, arising out of a savings account, account number 5217, entitled Hedwig Schindewolf, Emilie Scheel, Trustee, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwig Schindewolf, also known as Hedwig Scheel, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8219; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11900]

JOHN SOLLNER

In re: Claims owned by John Sollner. F-28-28831-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Sollner, whose last known address is Mulling-strasse 18/0, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: The claim against the State of New York and the Comptroller of the State of New York, arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of the following: That sum of money previously on deposit in the Lincoln Savings Bank, 531 Broadway, New York 6, New York, in an account entitled John Sollner, and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8220; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11905]

ERNA ARNDT

In re: Rights of Erna Arndt under insurance contract. File No. F-28-24466-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erna Arndt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 17231R, issued by the Metropolitan Life Insurance Company, New York, New York, to Olga M. Schulz, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8221; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11906]

FRANCISCA BERGER

In re: Rights of Francisca Berger under Insurance Contract. File No. D-28-2110-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Francisca Berger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the net proceeds due or to become due under a contract of insurance issued by the Grand Circle of California United Ancient Order of Druids, San Francisco, California, to Mary Berger, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 48-8222; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11908]

CHITOSE DOTE

In re: Rights of Chitose Dote under Insurance Contract. File No. F-39-4951-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chitose Dote, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-50866, issued by the California-Western States Life Insurance Company, Sacramento, California, to Kinsaburo Dote, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country, (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 48-8223; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11912]

ELISE HEYL

In re: Rights of Elise Heyl and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry W. Heyl, deceased, under Insurance Contracts. File Nos. F-28-119-H-1, and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elise Heyl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry W. Heyl, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 503191 and 534840, issued by The Guardian Life In-

surance Company of America, New York, New York, to Henry W. Heyl, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry W. Heyl, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8224; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11913]

TOME HIGUCHI

In re: Rights of Tome Higuchi under Insurance Contract. File No. F-39-4889-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tome Higuchi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,544,440, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Shogoro Higuchi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid

national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8225; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11915]

OTOKICHE KONISHE

In re: Rights of Otokiche Konishe, also known as Otokichi Konishi, or Sentaro Konishi under Insurance Contract File No. F-39-73-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otokiche Konishe, also known as Otokichi Konishi, and Sentaro Konishi whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7964796, issued by the New York Life Insurance Company, New York, New York, to Otokiche Konishe, also known as Otokichi Konishi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or an account of, or owing to, or which is evidence of ownership or control by, Otokiche Konishe, also known as Otokichi Konishi, or Sentaro Konishi, the aforesaid nationals of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8226; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11826]

GERTRUD FRUMMER

In re: Rights of Gertrud Frummer under Insurance Contract. File No. D-28-3873-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Frummer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 552, issued by the Workmen's Benefit Fund, Brooklyn, New York, to Joseph Hubert Andermahr, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8227; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11893]

ANNIE HELLMANN-SCHROEDER

In re: Stock owned by, and debt owing to, Annie Hellmann-Schroeder, also known as Annie Schroeder. F-28-27962-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annie Hellmann-Schroeder, also known as Annie Schroeder, whose last known address is Hasseldicksdammerweg 48, Kiel (Schleswig-Holstein) Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. One hundred (100) shares of no par value common capital stock of the Pittsburgh Screw & Bolt Corp., 2719 Preble Avenue, Pittsburgh, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered NY 44687, registered in the name of Bache & Co. and presently in the custody of Bache & Co., 36 Wall Street, New York 5, New York, in an account entitled Carl Hegele #2 account, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of Bache & Co., 36 Wall Street, New York 5, New York, arising out of a safekeeping account, entitled Carl Hegele #2 account, maintained by the aforesaid company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Annie Hellmann-Schroeder, also known as Annie Schroeder, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 48-8180; Filed, Sept. 10, 1948;
8:54 a. m.]

[Vesting Order 12019]

ANNA STRULLMEYER

In re: Estate of Anna Strullmeyer, deceased. File D-28-10727; E. T. sec. 14995.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gerda Hedwig Mehlbaum, Max Karl Mehlbaum, Franz Richard Mehlbaum, Elizabeth Pauline Mehlbaum, Hoborn, Alfred Max Scholz, Alfred Herbert Scholz, Fritz Kurt Stahlke, Margarethe Anna Mehlbaum Schmeichler, Frieda Agnes Mehlbaum Fichtler, Gertrud (also known as Gertrud) Alwine Renate Mengert Wiersdorf, Karl Robert Herman Pötter, Friedrich Wilhelm Robert Pötter, also known as Robert Poetter, Erich Ewald Alfred Weissenbach, Herbert Erich Emil Weissenbach, Elli Frieda Elisabeth Weissenbach, Frieda Ida Weissenbach, Minna Hedwig Hoffmann Hinz, Margaretha Martha Hoffmann Brauer, Paul Alfred Hoffman, Erna Hedwig Hoffmann Fischer, Johanna Charlotte Elisabeth Humboldt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the unknown surviving wife and children of Herman Rudolf Ludwig Pötter, deceased, and the unknown surviving children of Richard Reinholdt Humboldt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna Strullmeyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by W. G. Sievers, as administrator, acting under the judicial supervision of the District Court of the

State of Iowa, in and for Plymouth County, Iowa.

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the unknown surviving wife and children of Herman Rudolf Ludwig Pötter, deceased and the unknown surviving children of Richard Reinholdt Humboldt, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8181; Filed, Sept. 10, 1948;
8:55 a. m.]

MANDUS DAMMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Mandus Dammann, Landis, Province of Saskatchewan, Canada; 7486; \$228.75 in the Treasury of the United States.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8184; Filed, Sept. 10, 1948;
8:55 a. m.]

[Return Order 180]

MAX HOXTER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Max Hoxter, Buenos Aires, Argentina, Claim No. 7009; July 21, 1948 (13 F. R. 4171); All right, title, interest, and claim of any kind or character whatsoever of Simon Hoxter in and to the Trust Estate of Meler Katten, deceased. \$4,261.70 in the Treasury of the United States.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8182; Filed, Sept. 10, 1948;
8:55 a. m.]

[Return Order 183]

EMIL A. KANN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Emil A. Kann, Flushing, Long Island, N. Y., Claim No. 5830; July 29, 1948 (13 F. R. 4373); \$2,000 in the Treasury of the United States.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8183; Filed, Sept. 10, 1948;
8:55 a. m.]